

DOCUMENT 8

Exhibit A

March 04, 2019

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE:)
)
CATHODE RAY TUBE (CRT))
ANTITRUST LITIGATION) Master File No.:
) 07-CV-5944-JST
)
) MDL No. 1917
)
)
)

VIDEOTAPED DEPOSITION OF ZHANG WENKAI

HIGHLY CONFIDENTIAL

VOLUME I

MONDAY, MARCH 4, 2019

AT: 09.00 a.m.

Taken at:

Kobre & Kim
6/F ICBC Tower
3 Garden Road
Central
Hong Kong

Court Reporter:

Amanda Tolton
Accredited Real-time Reporter

March 04, 2019

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1 form of the document?

2 Q. Do you understand what a retention policy
3 is?

4 A. In China, the term "retention" referred to
5 the hard copy, which means a printed or paper
6 document.

7 Q. During the time period between 1995 through
8 2008, did Irico have an established protocol for
9 retaining information or documents for operational or
10 regulatory compliance needs?

11 A. I'm not quite sure I follow your question.
12 If you are referring to the hard copy or the paper
13 printed copy, based on our -- the regulatory
14 compliance for the accounting and the documents, we
15 do have a protocol. With regard to the term
16 "information," I'm not quite sure whether those
17 information are printed on the paper or non-paper
18 information, I'm not quite sure.

19 Q. I'm referring to anything in writing.

20 A. Because when you say -- because when you say
21 "writing," so when regarding so the document or the
22 form, if it is writing or printed on the paper, then,
23 yes, we do have a protocol. However, if the writing
24 is through computer which is a digital form, then
25 there's no rules about the government require us to

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1 maintain or retain those documents.

2 Q. So are you saying Irico, during the time
3 period between 1995 to 2008, have a retention policy
4 regarding hard copy documents?

5 A. Yes, for hard copy or paper printed, we do
6 have a policy.

7 Q. What about electronically stored information
8 or electronic records?

9 A. No, we don't have that system, because the
10 government don't ask us to do that.

11 Q. And let's talk about the policy regarding
12 hard copy documents.

13 Is that a formal written policy?

14 A. Yes, we do have a so-called document
15 retention system.

16 Q. And is that in writing?

17 A. You mean the system? Yes, we do have that
18 system or policy.

19 Q. Do you have a copy of that policy?

20 A. I saw that document before, but I don't have
21 it with me right now.

22 Q. But you have it somewhere in the company?

23 A. Yes.

24 Q. Can you -- strike that.

25 When was that policy put in place?

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1 A. I don't remember, because I only saw the
2 title is -- the title is called something called the
3 "document retention system." With regard to the
4 effectiveness date, I have no recollection.

5 Q. Has the policy changed during the time
6 period between 1995 and 2008?

7 A. I don't know.

8 Q. So this document retention policy you just
9 described, did you review this policy for your
10 deposition?

11 A. I just took a glance. I saw such a title on
12 the document. I didn't read through the detailed
13 information.

14 Q. Have you reviewed this policy before your
15 deposition, before your depo preparation?

16 A. Yes, I also took a glance. I did aware
17 there is such a document exist. I only knew the
18 title, but I didn't look it through.

19 Q. What do you recall about this policy? Can
20 can you give me any detail about this written policy?

21 A. Basically, it mentioned about the expiry
22 date for those retention document. And there's a
23 procedure to access those or to read those documents.
24 And then the job description regarding the person who
25 has -- who is in charge of those document

1 manage or no control regarding their business during
2 the class period. As to how they keep their
3 financial record or maintain their archive, I have no
4 idea.

5 Q. Do you have any reason to believe that
6 CNEIECC did not follow its ordinary business protocol
7 in creating those original sales records?

8 MR. LUCARELLI: Object to form.

9 A. CNEIECC -- CNEIECC was transferred to the
10 Irico in 2014 without any transfer cost. And the
11 class period is between 1995 to 2007. During --
12 there is no way we can -- will understand how they
13 manage those sales record during the class period.

14 MS. FU: Let's take a five-minute break.

15 VIDEOGRAPHER: This marks the end of media
16 No. 8 in the deposition of Zhang Wenkai. Going off
17 the record. The time is 5:15.

18 (5.15 p.m.)

19 (Break taken.)

20 (5.45 p.m.)

21 VIDEOGRAPHER: We are back on the record.
22 Here begins Media No. 9 in the deposition of
23 Zhang Wenkai. The time is 5:45 p.m.

24 BY MS. FU:

25 Q. Mr. Zhang, you testified earlier today you

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1 have a working email address, correct?

2 MR. LUCARELLI: Object to form.

3 A. Yes, I do have an email address for working.

4 BY MS. FU:

5 Q. Does everyone at Irico have a work address?

6 A. I'm only aware that all the employee from
7 the Irico Group do have a working email address. I'm
8 not sure about the other subsidiaries.

9 Q. So you don't know if the employees at
10 Display have working addresses or not?

11 A. I have no knowledge regarding how they
12 access the email accounts.

13 Q. Do Irico Display employees have work email
14 addresses?

15 A. Are you talking about the Irico Display?

16 Q. Correct.

17 A. I have no knowledge whether there is an
18 employee who have the working email address. Only
19 the staff from IT center will aware of that.

20 Q. When did Irico Group employees start to use
21 emails?

22 A. Could you repeat the question one more time,
23 please?

24 Q. When did Irico Group employees start to use
25 emails?

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1 A. Are you referring to the access to the free
2 Internet access or using our intranet or our own --
3 our own server?

4 Q. Let's start with the email address that's
5 connected with your own server.

6 A. I did check with the IT people regarding
7 when we started to use the email account with CH on
8 it. So they told me it's around 2004 and 2005.
9 However, it is not distributed to each individual but
10 to a department, so everybody in the department know
11 the password, they share one computer back then.

12 Q. When did every employee at Irigo Group start
13 to use work email addresses?

14 A. There is no fixed time frame. In other
15 words -- in other words, it is a gradual process.
16 Whenever we upgrade our server, we will expand the
17 access of Internet to more employees.

18 Q. As part of your search for documents and
19 information responsive to plaintiff's discovery
20 request, did you ask about what types of electronic
21 information the current or former employees would
22 have had that no longer exist?

23 MR. LUCARELLI: Object to form.

24 A. Are you referring to emails?
25

1 BY MS. FU:

2 Q. Any kind of electronic information,
3 including emails.

4 A. Well, I did check with former employees
5 regarding the electronic information they have. They
6 all transfer those information to other colleagues.
7 So, as I said earlier, there's no regulation in China
8 with regarding to the retention of those digital or
9 electronic informations. So when the computer
10 expired or obsoleted, those data would be discarded.
11 And with regard to the email, like I said, in early
12 days, in the beginning, the department share one
13 email account, so the limitation of or several for
14 individual departments around four gigabyte. Because
15 of the limitation of the server capacity, so the new
16 data were cover or were overload on their previous
17 data. This is the reason sometimes we lost earlier
18 emails because of the limitation of the server, new
19 email will override the old emails. I joined Irico
20 in January 2017. The capacity for my email box when
21 I joined Irico is about 100 gigabyte. By the end of
22 2017, we did have several upgrade. And then my
23 personal email account has -- has been upgrade to 1G.
24 So this is why I say, when we lost those early
25 emails, this is because a limit size of the server

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1 back then.

2 Q. Do any back-up tapes exist that could
3 contain copies of those overridden files?

4 A. Well, like I said, I also check with IT
5 people regarding the issue you just raised, because
6 there is no rule or requirement regarding the
7 detention of electronic files, so we never kept those
8 files, never backed up those files.

9 Q. Why were electronic records deemed
10 unimportant such that they were not kept by Irico?

11 MR. LUCARELLI: Object to form.

12 MR. HWU: Can I ask the interpreter to try
13 rendering the question one more time.

14 INTERPRETER: Okay.

15 MS. FU: I think the court reporter made a
16 typo. I'll ask the question again.

17 BY MS. FU:

18 Q. Why were the electronic records deemed any
19 important such that they were not kept by Irico?

20 MS. FU: I'll ask the question again.

21 BY MS. FU:

22 Q. Why were the electronic records deemed not
23 important such that they were not kept by Irico?

24 A. It is the Chinese culture. Even at this
25 moment we do not consider electronic files are

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1 important files. Even back to the period of actual
2 period or at this moment, there is no government
3 policy or no government regulation to retain those
4 electronic documents.

5 Q. What type of information was transmitted
6 electronically at Irico?

7 MR. LUCARELLI: Object to form.

8 BY MS. FU:

9 Q. Correct.

10 A. You mean the action period?

11 Q. Correct.

12 A. Yes, correct. With regard to this issue, I
13 did ask Mr. Long Tao and Mr. Wang Zhaojie, they both
14 told me they forgot what kind of or what type of
15 information was transmitted during the time that each
16 department shared one email account. Plus the fact
17 that those early emails were -- or early transmission
18 were overwritten by the following datas.

19 Q. Other than the shared computer, did Irico
20 use a centralized system to keep its electronic data
21 or records?

22 A. Only electronic -- only information or das
23 would be kept in our server. Like I said earlier,
24 during the actual period, the capacity of server is
25 very limited or very small. So IT people told me

1 those data created would be covered after three to
2 five days by the more updated informations or data.

3 Q. Are you saying during the class period,
4 emails records were only kept for three -- for five
5 days?

6 A. Where I did obtain that information from the
7 IT people, they told me it's all depends on the --
8 how many people are using our access email. For
9 example, if Chinese New Year or May 1 or October 1
10 long weekend, then a lot of data would be accumulated
11 and then the earlier data would be covered by the
12 incoming datas. However, this figure, three to five
13 days, is just a roughly estimation by the IT people.

14 Q. And during the class period, Irigo Group
15 never backed up its email in any way, correct?

16 A. Yes.

17 Q. So at Irigo Group, employees never printed
18 out employee emails so they can find them later?

19 MR. LUCARELLI: Object to form.

20 A. From the Irigo Group's perspective, we never
21 asked the employee to print out their email. With
22 regard to whether any individual employee print out
23 their own email, I have no knowledge about that.
24 However, the person are interviewed, including
25 current employee as well as former employee, none of

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1 them have access of or have the print-out email
2 available.

3 BY MS. FU:

4 Q. Did Irico investigate if Irico has any
5 print-out from this employee files?

6 MR. LUCARELLI: Object to form.

7 A. Employee files?

8 BY MS. FU:

9 Q. Let me rephrase.

10 Did Irico investigate if Irico, within its
11 corporation, has any print-outs of those current or
12 former employees' emails?

13 A. We never found any email being printed out
14 during the period of the action, the action period.

15 Q. Did Group -- strike that.

16 Did Group's former or current employees back
17 up their emails with any storage media?

18 A. We never identify any former employee who
19 back up their emails on the hard -- hard drive.
20 However, for the current employee, there is one
21 person who is a Director of the Legal Affair,
22 Mr. Yunglong, who owns a hard drive and he did back
23 up his emails on that particular hard drive. But
24 with regard to the time frame, I have no knowledge.
25 We also have produced that evidence.

Shang Wenhai is only confidential
March 04, 2019

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1 Q. Did Irico Sales Department share one email
2 address during the class period?

3 A. I don't know about this issue. I think
4 discussion should be addressed to Mr. Wang Zhaojie,
5 because he's from Sales Department.

6 Q. So you did not investigate whether Irico
7 Sales Department shared one email address during the
8 class period in connection with your searches?

9 A. No, that's not what I mean. Actually, I did
10 consult with Mr. Wang Zhaojie and he told me that
11 there's a case like where people share one email
12 account from the department. But for further
13 detailed information, you should check with Mr. Wang.

14 Q. Did Irico produce any email files from this
15 shared email account at the Sales Department?

16 A. There are no such data or evidence to
17 produce. Like I said earlier, because of the
18 limitation of the server during the action period, so
19 those data were override by the incoming information.

20 Q. Did Irico ever searched for -- did Irico
21 ever search for fax records?

22 A. Yes. We did conduct the search and those --
23 so because the fax machine in the Group is within the
24 Group's office, so we didn't find any fax during the
25 action period. We also ask Long Tao and then he did

Exhibit B

March 08, 2019

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

IN RE:)
)
CATHODE RAY TUBE (CRT)) Master File No.
ANTITRUST LITIGATION) 07-CV-5944-JST
)
) MDL No. 1917
)
)
)

DEPOSITION OF WANG ZHAOJIE

HIGHLY CONFIDENTIAL

VOLUME III

Friday, March 8th, 2019

AT: 9.05 am

Taken at:

Kobre & Kim
6/F ICBC Tower
3 Garden Road
Central
Hong Kong

Court Reporter:

Bron Williams
Accredited Real-time Reporter

March 08, 2019

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1 with?

2 A. Have I said -- did I say anything regarding
3 I have met people from Philips?

4 Q. Are you familiar with an entity called Philips
5 Hefei?

6 MS. FU: Hefei Philip, doesn't really matter.

7 A. I have no knowledge of it.

8 BY MS. CAPURRO:

9 Q. Did you ever meet with anyone during the
10 relevant period from LG Philips Displays?

11 A. I'm not quite sure, but perhaps there is
12 a restructure between LG and Philips in the past.

13 MS. FU: "Perhaps there is a reorganization or
14 merger between LG and Philips in the past."

15 BY MS. CAPURRO:

16 Q. Yes, in 2001, LG and Philips combined their
17 CRT business to become LG Philips Displays. Are you aware
18 of that?

19 A. Yes, I heard of it. But I don't know the
20 detailed information.

21 Q. I'm not asking you for detailed information,
22 I'm asking you if you ever met with anyone who worked for LG
23 Philips Displays, or LPD?

24 MR. PLUNKETT: Object to the form.

25 A. Well it was too long ago, so I don't remember

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1 exactly, but we normally just call Changsha LG or Beijing
2 Panasonic, or Shanghai Yonxin. That's it.

3 BY MS. CAPURRO:

4 Q. Did you have e-mail communications with
5 employees of any of the CRT manufacturers that we have just
6 discussed?

7 MR. PLUNKETT: Object to the form.

8 A. It was too long ago, I don't remember.

9 BY MS. CAPURRO:

10 Q. Did you use e-mail during the period to
11 communicate with -- strike that.

12 Did you use e-mail during the class period?

13 A. E-mail, certainly, yes, but I don't remember
14 which time frame.

15 Q. Did you communicate with employees of any of
16 the CRT manufacturers that we have discussed by fax?

17 A. I don't remember whether I have used fax to
18 communicate with those employees, but back then, the primary
19 communication channels are either telephone or fax.

20 MS. FU: I would like to make a correction.

21 I think he said "I don't remember whether I have
22 communicated with those competitors, but back then the
23 primary communication channels are either telephone or fax."

24 MR. PLUNKETT: Do we need the interpreter to agree
25 or disagree with the check translator on the record?

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1 INTERPRETER: I agree.

2 MR. PLUNKETT: Okay.

3 MS. CAPURRO: Yes, I think we do.

4 MR. PLUNKETT: So the record is clear, I would ask
5 the interpreter, when you -- when the check translator today
6 has corrected things and you have not said anything, did you
7 agree with the check translator?

8 INTERPRETER: Yes. If I don't agree, I will
9 voice.

10 MR. PLUNKETT: Okay.

11 BY MS. CAPURRO:

12 Q. You testified that you used e-mail during the
13 class period, correct?

14 A. In that period, yes, I did use e-mail for
15 sure. Because prior to 2007, yes, I did use e-mail for
16 sure.

17 Q. Okay, and did you use e-mail to communicate
18 with any of the CRT manufacturers that we have been
19 discussing?

20 MR. PLUNKETT: Object to the form.

21 A. Because it was too long ago, I cannot remember
22 whether I have used e-mail to communicate with them.

23 BY MS. CAPURRO:

24 Q. But you used e-mail during the class period,
25 and I'm asking you, was that the primary method of

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1 communication that you used during the class period?

2 A. No.

3 Q. Did you have ever one on one meetings with
4 employees of other tube manufacturers?

5 A. We have some interactions.

6 Q. Which companies did you have interactions
7 with?

8 A. It was too long ago. I don't remember.

9 Q. Do you remember if you had interactions with
10 employees of Chunghwa.

11 A. I don't have any impression.

12 Q. Do you remember generally what the purpose of
13 those meanings was?

14 A. The interaction with whom?

15 Q. You said you had some interactions with other
16 tube manufacturers. Do you remember generally what the
17 purpose of those meetings was?

18 A. Normally would just play cards, or have
19 drinks. Because sometimes we were both traveling in
20 Shenzhen, we spend time together.

21 Q. Would you exchange production or sales
22 information during these interactions?

23 MR. PLUNKETT: Object to the form.

24 A. In my impression, normally not, because we
25 just get together, have some fun, relax. Because people in

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1 this tube industry, we all like to drink.

2 BY MS. CAPURRO:

3 Q. Do you remember any of the names of these
4 employees of the other CRT manufacturers that you played
5 cards with?

6 A. (Chinese spoken).

7 INTERPRETER: Let me clarify one word. (Chinese
8 spoken).

9 A. When I say play cards, sometimes they play
10 Mahjong, sometimes they play cards. Where I have no
11 interest of those games. So what the procedure is the
12 people play cards or play Mahjong and later on we join for
13 meal and have drink, and that's it. I will join the meal
14 and join the drinks. And sometimes people change to
15 different people.

16 BY MS. CAPURRO:

17 Q. So is it your testimony that you don't
18 remember any of these names of the people that you played
19 cards with and drank with?

20 MR. PLUNKETT: Object to the form.

21 A. Well, there are many, many people we get
22 together. So I'm not quite sure they are the person within
23 that particular time frame.

24 So to name one person, this is Wong Lian. Because
25 he drinks a lot and he also play cards and Mahjong.

Exhibit C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)) MASTER FILE NO.
ANTITRUST LITIGATION) CV-07-5944 JST

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)

THIS DOCUMENT RELATES TO:)
)

ALL INDIRECT PURCHASER ACTIONS)
ALL DIRECT PURCHASER ACTIONS)

)
DEFENDANTS.)

-----)

VIDEOTAPED DEPOSITION OF YAN YUNLONG
VOLUME I
TUESDAY, SEPTEMBER 27, 2022
MACAU S.A.R., CHINA

FILE NO. SF 5436473

REPORTED BY MARK McCLURE, CRR
CAL CSR 12203

1 different situation. 08:26

2 THE WITNESS: Okay, then I did not hear the 08:26

3 question clearly. 08:26

4 Do you mind repeating it. 08:26

5 BY MR. BIRKHAEUSER:

6 Q. I do not mind repeating it. 08:26

7 So, in China, it is possible to become a 08:26

8 lawyer by taking a four-year undergraduate course of 08:26

9 study, is that correct? 08:27

10 A. It should be put in this way. In the past, it 08:27

11 can be done in that way, but right now, only students 08:27

12 who specialize or study the -- study laws and then in 08:27

13 the four-year program can enter the lawyer qualification 08:27

14 examination and become a lawyer after they pass. 08:27

15 Q. So if I understand your testimony now, 08:27

16 presently, to become a lawyer, one must take a four-year 08:28

17 undergraduate course and then another four-year course 08:28

18 to specialize in law, is that correct? 08:28

19 A. No. 08:28

20 Anyone who studied four years of law in their 08:28

21 undergraduate degree can then apply for -- can apply to 08:28

22 sit in the Bar exam. 08:28

23 Q. Okay. Did you sit for a Bar exam? 08:28

24 A. I did. 08:29

25 Q. And can we assume that you passed it 08:29

1	successfully?	08:29
2	A. You don't need to assume; I did pass the exam.	08:29
3	Q. So are lawyers in China certified by a Bar or	08:29
4	a governmental entity?	08:29
5	A. They are certified by a government entity.	08:29
6	Q. Okay. And you received that certification	08:29
7	after you passed the qualification examination, is that	08:29
8	right?	08:30
9	A. Correct.	08:30
10	Q. In your four-year course of study, did you	08:30
11	learn about antitrust issues under Chinese law?	08:30
12	MR. CARTER: Objection to form.	08:30
13	THE WITNESS: Do I need to answer?	08:30
14	MR. CARTER: Yes.	08:30
15	THE WITNESS: No, I did not.	08:30
16	BY MR. BIRKHAUSER:	08:30
17	Q. Did you learn about antitrust issues under any	08:30
18	law foreign to China?	08:31
19	A. Are you talking about the four years I went to	08:31
20	undergraduate?	08:31
21	Q. Yes.	08:31
22	A. No, I did not.	08:31
23	Q. And at any time after your four-year	08:31
24	undergraduate degree, have you taken further courses of	08:31
25	study?	08:31

1	A.	In what aspect?	08:31
2	Q.	Any further educational courses.	08:32
3	A.	Not for a degree.	08:32
4	Q.	Did you take any courses that were not for a	08:32
5		degree, for continuing education or for whatever other	08:32
6		purpose?	08:32
7	A.	No.	08:32
8	Q.	Okay. So no further legal education after	08:32
9		your four-year degree, is that right?	08:32
10	A.	That's not correct.	08:32
11	Q.	So please tell me about any further legal	08:33
12		education that you've had after your four-year degree.	08:33
13	A.	I did not pursue any formal legal training or	08:33
14		legal classes for educational level purposes or for a	08:33
15		degree purpose, but China constantly publishes new laws	08:33
16		so I would study those new laws, and I would pay	08:34
17		attention to them.	08:34
18	Q.	When you engaged in that study did you do so	08:34
19		on your own or as part of some seminar or coursework?	08:34
20	A.	I self-taught.	08:34
21	Q.	In what year did you pass the qualification	08:34
22		exam?	08:34
23	A.	1994.	08:34
24	Q.	In China, do you receive a license to practice	08:35
25		law for -- let me just ask that.	08:35

1	Do you receive a license to practice law?	08:35
2	A. Yes.	08:35
3	Q. Are you a member of the All China Lawyers	08:35
4	Association?	08:35
5	A. I'm not.	08:35
6	Q. Are you a member of any other legal	08:36
7	associations?	08:36
8	A. No.	08:36
9	Q. What was your very first job after you became	08:36
10	a lawyer?	08:36
11	A. That question was not in a very precise way.	08:36
12	I graduated from undergraduate and my first	08:36
13	job after graduation was with Irico.	08:36
14	Q. Let's try it this way.	08:37
15	In what year did you receive your license to	08:37
16	practice law?	08:37
17	A. I do not have the license to practice law.	08:37
18	Q. Okay, I misunderstood.	08:37
19	What must you do to obtain a license to	08:37
20	practice law?	08:37
21	A. That's clearly set forth by the Department of	08:37
22	Justice in China, and since I am an employee of a	08:38
23	state-owned enterprise, I am not allowed to practice as	08:38
24	an attorney in the private sector.	08:38
25	Q. Let me just tell you that a few minutes ago,	08:38

1 the record reflects my asking you if you received a 08:38
2 license to practice law and your answer being "yes," and 08:38
3 I just want to make sure that we have a clear record. 08:38
4 A. What I received was a certificate to prove my 08:39
5 qualification as an attorney, but I did not receive a 08:39
6 license to practice law as an attorney. 08:39
7 Q. Thank you. 08:39
8 If you graduated in 1991 and your first job at 08:39
9 Irico was in 1994, what did you do between 1991 and 08:39
10 1994? 08:40
11 MR. CARTER: Objection to form. 08:40
12 THE WITNESS: Perhaps you do not understand 08:40
13 the historical background and situation in China back 08:40
14 then that much. 08:40
15 In the '90s, during the previous century, 08:41
16 college graduates would have to be allocated a job by 08:41
17 the country. And I was planned and allocated to Irico, 08:41
18 and that was my first job. And since then, I have been 08:41
19 working in the Irico Group; I have not left. 08:41
20 BY MR. BIRKHAUSER:
21 Q. Is it fair to say that between 1991 and 1994, 08:41
22 you were waiting to become employed by some company and 08:41
23 it turned out to be Irico? 08:41
24 MR. CARTER: Object to form. 08:41
25 THE WITNESS: That's not what happened. 08:42

1	After I graduated in 1991 from my	08:42
2	undergraduate studies, the country had a plan to	08:42
3	allocate me a job in Irico, and at that time it was not	08:42
4	called the Irico Group, it was its predecessor, the	08:42
5	General Factory of Shaanxi Color Picture Tube.	08:42

6	And at that time the country also allowed us	08:43
7	to sit for the lawyer qualification exam, so that's why	08:43
8	I took the exam and obtained by lawyer qualification.	08:43

9 BY MR. BIRKHAUSER:

10	Q. All right. We're going to get into your	08:43
11	employment history with Irico in just a moment.	08:43

12	A. Okay.	08:43
----	----------	-------

13	Q. But first, I want to ask you, at any time	08:43
14	after your formal legal education, did you study the	08:43
15	antitrust law of China?	08:43

16 MR. CARTER: Object to form. 08:44

17 THE WITNESS: Do I need to answer this? 08:44

18 BY MR. BIRKHAUSER:

19 Q. Yes. You need to answer all of my questions 08:44

20 unless your attorney tells you not to. 08:44

21	A. Okay.	08:44
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22	I did not.	08:44
----	------------	-------

23	Q. At any time after your formal education, did	08:45
24	you study the antitrust laws of any other -- any country	08:45
25	other than China?	08:45

1	A. No.	08:45
2	Q. Have you ever traveled to the United States?	08:45
3	A. I think I went there once, in 2017.	08:45
4	Q. And what was the purpose of your trip to the	08:45
5	United States in 2017?	08:45
6	A. It was for this case.	08:45
7	Q. And what did you do?	08:46
8	A. I sat in for the trial to review and hear the	08:46
9	motion filed by the plaintiffs for a default judgment	08:46
10	that was supposed to be entered against.	08:46
11	BY MR. BIRKHAUSER:	
12	Q. So you attended the hearing on the motion for	08:46
13	a default judgment, is that correct?	08:46
14	A. Correct.	08:46
15	Q. You were present in court when that hearing	08:47
16	took place, is that right?	08:47
17	A. My English is not very good, so I could not	08:47
18	fully understand it, but I just went there to sit in to	08:47
19	get the experience.	08:47
20	Q. And how long did you stay in the United States	08:47
21	during that trip?	08:47
22	A. I think I stayed for about five days.	08:47
23	Q. And what did you do, other than attend the	08:47
24	hearing on the default proceedings?	08:47
25	A. I studied and looked at the case with the team	08:48

1 of attorneys of Baker Botts. 08:48

2 Q. Did you do anything other than attend the 08:48

3 hearing and meet with the Baker Botts attorneys? 08:48

4 A. Nothing else. 08:48

5 Q. Have you ever traveled to Canada? 08:48

6 A. No. 08:48

7 Q. Have you ever traveled to Europe? 08:48

8 A. No. 08:48

9 Q. Have you ever traveled to Mexico? 08:48

10 A. No. 08:49

11 Q. And the trip that you took in 2017 to attend 08:49

12 the court hearing, is that the only time that you have 08:49

13 ever traveled to the United States? 08:49

14 A. I think I made another trip in the beginning 08:49

15 of 2018. 08:49

16 Q. And what was the purpose of the trip in 2018? 08:49

17 A. The same purpose. 08:49

18 Q. When you say "the same purpose," did you 08:49

19 attend a court hearing in 2018? 08:50

20 A. Correct. 08:50

21 Q. What was the subject matter of the hearing 08:50

22 that you attended in 2018? 08:50

23 A. It was still about the motion for a default 08:50

24 judgment. 08:50

25 Q. And as far as you understand it, was that in 08:50

1 Q. Did you have a superior when you were working 10:12
2 on the Chang An project? 10:12
3 A. Yes. 10:12
4 Q. Who was that? 10:12
5 A. Xing Daoqin. 10:12
6 Q. And did Mr. Xing Daoqin also have a superior 10:12
7 who was working on this project? 10:13
8 A. He did. 10:13
9 Q. And who was that? 10:13
10 A. Ma Jinquan. 10:13
11 Q. Was Mr. Ma the most senior employee working on 10:13
12 this Chang An project? 10:13
13 A. The most senior employee on the Chang An 10:13
14 project was Mr. Xing Daoqin. 10:13
15 Q. Of the employees you've mentioned, who 10:14
16 actually retained outside counsel? 10:14
17 A. I don't know the question. 10:14
18 Can you repeat it or re-ask it? 10:14
19 Q. Sure. 10:14
20 Someone retained outside counsel on Irico's 10:14
21 behalf, right? 10:14
22 A. Yes. 10:14
23 Q. Who did that, of the employees that you have 10:14
24 mentioned? 10:14
25 A. I think it should be Ma Jinquan. 10:14

1 Q. What was his title at the time? 10:15

2 A. The general manager of the Irico Group 10:15

3 Company. 10:15

4 Q. And then Mr. Xing -- what was Mr. Xing's 10:15

5 title? 10:15

6 A. I think Mr. Xing was the deputy general 10:15

7 manager at that time. 10:15

8 Q. Did you use email to communicate with your 10:15

9 outside counsel and others when working on the Chang An 10:15

10 project? 10:15

11 A. Yes. 10:15

12 Q. So at that point in time, you had an Irico 10:16

13 email address? 10:16

14 A. I cannot quite remember if I used an Irico 10:16

15 email address at that time or some free email addresses 10:16

16 provided by external third parties, because perhaps at 10:16

17 that time the domain name or the intranet of Irico was 10:17

18 not fully established, but I cannot remember clearly. 10:17

19 Q. Physically, where were you officed when you 10:17

20 were working on the Chang An project? 10:17

21 A. I worked in the office of the Irico Group. 10:17

22 Q. Is that the headquarters building? 10:17

23 A. Yes. 10:17

24 Q. And, obviously, you had a computer at the 10:17

25 time, right? 10:17

1	A. Yes.	10:17
2	Q. Okay. Would you correspond with Mr. Xing by	10:18
3	email?	10:18
4	A. No, we would not, or even if we had, it would	10:18
5	be very minimal because at that time above me there was	10:18
6	a leader of a working team and I reported to that	10:18
7	leader. Mr. Xing was not my direct supervisor at that	10:19
8	time.	10:19
9	Q. Okay. And forgive me, I believe you've	10:19
10	already told me who the leader was, but I forget that	10:19
11	individual's name.	10:19
12	Can you tell me again.	10:19
13	A. I don't think you asked, but I can tell you.	10:19
14	It's Mr. Zhang Xinxu.	10:19
15	Q. So you would email Mr. Zhang and then, if	10:19
16	necessary, Mr. Zhang could email Mr. Ma or Mr. Xing, is	10:20
17	that right?	10:20
18	MR. CARTER: Object to form.	10:20
19	THE WITNESS: We all worked in the same office	10:20
20	space, so I'm not quite sure if we needed to still send	10:20
21	emails to each other when we were actually in the same	10:20
22	office space, so I cannot quite recall.	10:20
23	BY MR. BIRKHAUSER:	
24	Q. Were there a lot of drafts generated with	10:20
25	respect to the IPO, draft documents?	10:20

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1 the complaint other than this report by the person that 15:21
2 Irico contracted with? 15:21
3 MR. CARTER: Object to form. 15:21
4 THE WITNESS: No. 15:22
5 BY MR. BIRKHAUSER: 15:22
6 Q. At the time you were investigating the facts 15:22
7 of the complaint, did any Irico employee tell you that 15:22
8 they had attended meetings with Irico's competitors? 15:22
9 A. They did. 15:22
10 Q. And what kind of investigation did you do as 15:23
11 to the meetings that Irico had with its competitors? 15:23
12 A. We did not conduct any special investigation. 15:23
13 We simply confirmed whether or not there was such a 15:23
14 fact. 15:23
15 Q. Who told you that Irico employees attended 15:23
16 meetings with Irico's competitors? 15:23
17 A. At that time, it was Liu Maihai, Shen Xiaolin, 15:23
18 and there was another person who used to work for CEIEC, 15:24
19 and that person's name was Liang Yuan. That's it. 15:24
20 Q. Did Shen Xiaolin tell you that Mr. Shen had 15:25
21 attended a meeting of CEOs and presidents of CRT 15:25
22 competitors in Shanghai in November of 2006? 15:25
23 MR. CARTER: Object to form. 15:25
24 THE WITNESS: It was not as detailed as to 15:25
25 exactly which meeting. 15:25

1 BY MR. BIRKHAEUSER:

2 Q. Did anyone tell you how many meetings that 15:25
3 Irico employees had had with Irico's competitors? 15:25

4 A. No. 15:26

5 Q. Were you preliminary responsible for gathering 15:26
6 information to give to Pillsbury after you were served 15:26
7 with the complaint? 15:26

8 MR. CARTER: Object to form. 15:26

9 THE WITNESS: No. Actually, after we were 15:27
10 served the complaint, we did several things. 15:27

11 The first one was -- we formed an internal 15:27
12 working group to lead the work of conducting the 15:28
13 investigation with respect to this litigation. It was a 15:28
14 task force working group. 15:28

15 Secondly, we engaged Pillsbury as the counsel 15:28
16 to represent us, but at that time several law firms were 15:28
17 pitching us for the case, and we later talked with them 15:28
18 and engaged Pillsbury as our outside counsel. 15:28

19 The third one we did -- the third thing we did 15:28
20 was that we conducted an investigation to see if we 15:28
21 actually sold any products in the U.S. market, and the 15:28
22 information we got was no. So we asked Pillsbury to try 15:28
23 to talk and reason with the plaintiffs that it was a 15:28
24 mistake to sue Irico, and we asked them to remove us 15:28
25 from the defendants. 15:28

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1 The fourth thing that we did was to notify all 15:29
2 the relevant people based on the request from Pillsbury, 15:29
3 and those people were asked to preserve all the 15:29
4 information and documents related to the case. 15:29

5 During that process, Pillsbury related a very 15:30
6 important piece of information to us. It told us that 15:30
7 it was actually a class action and the plaintiffs in the 15:30
8 case were trying to form a group of plaintiffs to 15:30
9 conduct the litigation, and the defendants were also 15:30
10 trying to form a group, and Pillsbury's advice to us was 15:30
11 that we join the defendants group. So, internally, in 15:30
12 the company, we also held some discussions on that 15:30
13 advice. 15:30

14 And the company held several rounds of 15:31
15 discussions on that issue in order to understand the 15:31
16 situation, but the situation with Irico is different 15:31
17 from that with other companies in the defendants' group. 15:31
18 Those other companies were big multinational companies 15:31
19 and the U.S. market was their main market. They not 15:31
20 only had CRT products in the U.S. market, they also had 15:31
21 the TV whole sets in the U.S. market, and Irico, at that 15:31
22 time, had neither, so it was to the disadvantage of 15:32
23 Irico to join and form the defendants group. 15:32

24 And also, at that time, the U.S. government 15:32
25 was conducting, actually, criminal investigations in the 15:32

1 antitrust litigation proceeding against those companies. 15:33
2 Some of them already even pleaded guilty, and Irigo 15:33
3 conducted some self-evaluation, and we believed that we 15:33
4 have not done anything to violate the antitrust law in 15:33
5 the U.S. 15:33

6 So for us to join and form the defendants 15:33
7 group would be what the Chinese would say "down the 15:33
8 drain with them," and we rejected the proposal or 15:33
9 suggestion from Pillsbury. 15:33

10 We also knew that it would be a long process 15:33
11 for the plaintiffs and the defendants to form the 15:34
12 litigation groups and to actually go through the 15:34
13 proceeding, so we were waiting for the plaintiffs to 15:34
14 file an independent, separate lawsuit against Irigo, and 15:34
15 we wanted to wait until that time before we conducted 15:34
16 any relevant investigation. 15:34

17 It would be unnecessary or pointless for us to 15:34
18 conduct any investigation before a separate or 15:34
19 independent lawsuit was filed against us by the 15:34
20 plaintiffs. 15:35

21 That's it. 15:35

22 MR. BIRKHAEUSER: Okay. I'm going to move to 15:35
23 strike that answer. 15:35

24 BY MR. BIRKHAEUSER:

25 Q. Let me ask my question again, and if you could 15:35

1 listen very carefully to the question and just answer 15:35
2 the question. 15:35
3 A. Okay. 15:35
4 Q. Were you primarily responsible for gathering 15:35
5 information to give to Pillsbury after Irico was served 15:35
6 with a complaint? 15:35
7 MR. CARTER: Object to form. 15:36
8 THE WITNESS: No, I was working as a contact 15:36
9 person between Irico and Pillsbury. That was it. 15:36
10 BY MR. BIRKHAEUSER:
11 Q. Were you personally the primary contact person 15:36
12 between Irico and Pillsbury? 15:36
13 A. Yes. 15:36
14 Q. You mentioned that Irico formed a litigation 15:36
15 group in 2008, after it was served with a complaint. 15:36
16 A. Yes. 15:37
17 Q. Do you know what interrogatories are? 15:37
18 A. I don't know. 15:37
19 Q. Are you aware that Irico has responded in 15:37
20 writing to written questions that plaintiffs have asked 15:37
21 in this litigation? 15:37
22 A. I don't remember that clearly. 15:37
23 MR. BIRKHAEUSER: Okay. I'm introducing 15:38
24 Exhibit 8605. 15:38
25 (Exhibit 8605 marked for identification.) 15:39

Exhibit D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)) MASTER FILE NO.
ANTITRUST LITIGATION) CV-07-5944 JST

-----)

THIS DOCUMENT RELATES TO:)

ALL INDIRECT PURCHASER ACTIONS)

ALL DIRECT PURCHASER ACTIONS)

DEFENDANTS.)

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VIDEOTAPED DEPOSITION OF LI MIAO
VOLUME I
TUESDAY, MARCH 7, 2023
HONG KONG SAR, CHINA

JOB NO. 5759542
REPORTED BY MARK McCLURE, CRR
CAL CSR 12203

1 other -- a diary, some other means of keeping track of 21:58:12
2 your appointments? 21:58:17
3 MR. CARTER: Object to form. 21:58:33
4 THE WITNESS: I'm a lazy person. I don't 21:58:51
5 quite take notes. 21:58:53
6 BY MR. RUSHING: 21:58:54
7 Q. So the answer is "no"? 21:58:54
8 MR. CARTER: Object to form. 21:58:59
9 THE WITNESS: That's correct. 21:59:02
10 BY MR. RUSHING: 21:59:02
11 Q. So how did you keep track of your 21:59:03
12 appointments? 21:59:05
13 A. The office workers will follow up on those. 21:59:16
14 Q. So the office workers, then, kept a calendar 21:59:21
15 for you. 21:59:24
16 Is that your testimony? 21:59:25
17 MR. CARTER: Object to form. 21:59:32
18 THE WITNESS: I'm not sure. 21:59:36
19 BY MR. RUSHING: 21:59:36
20 Q. But if you had made an appointment to meet 21:59:56
21 someone on a certain day, you relied on your office 22:00:08
22 workers to tell you in advance of that so that you would 22:00:14
23 remember to go to that meeting, is that correct? 22:00:18
24 A. Correct. 22:00:22
25 Q. And how did they keep track of your 22:00:39

1	appointments?	22:00:44
2	MR. CARTER: Object to form.	22:00:48
3	THE WITNESS: I never asked them.	22:00:59
4	BY MR. RUSHING:	22:00:59
5	Q. But it was -- did they -- was it part of their	22:01:08
6	job to do that for you, though?	22:01:26
7	MR. CARTER: Object to form.	22:01:28
8	THE WITNESS: Yes.	22:01:41
9	BY MR. RUSHING:	22:01:41
10	Q. And so, when you got a new assistant or,	22:01:48
11	excuse me, office worker, did you explain to that person	22:01:52
12	their responsibility to keep track of your appointments	22:01:58
13	for you?	22:02:01
14	MR. CARTER: Object to form.	22:02:02
15	THE WITNESS: I've never reminded them.	22:02:21
16	BY MR. RUSHING:	22:02:21
17	Q. And how did they advise you, when you were	22:02:34
18	vice president of Electronics, of your upcoming	22:02:38
19	appointments?	22:02:42
20	A. Face-to-face.	22:02:42
21	Q. Did you have a computer -- did you have your	22:02:59
22	own office when you were vice president of Electronics?	22:03:03
23	A. Yes.	22:03:07
24	Q. Did you have a computer in your office that	22:03:13
25	you used for work?	22:03:15

1	A.	I had a computer.	22:03:16
2	Q.	In your office?	22:03:26
3	A.	Yes.	22:03:31
4	Q.	And could you receive emails on that computer?	22:03:32
5	A.	I've never reviewed emails on that computer.	22:03:44
6	Q.	Did you review your emails on some other	22:03:51
7		computer at that time?	22:03:53
8	A.	I rarely review emails.	22:03:54
9	Q.	When you say -- are you talking about that	22:04:12
10		time frame or are you talking about now?	22:04:14
11	A.	From the past until now, I rarely review	22:04:16
12		emails.	22:04:41
13	Q.	Can you get emails on your phone right now?	22:04:48
14	A.	I've never checked emails on my phone.	22:04:51
15	Q.	Do you use texts?	22:05:25
16	A.	I use texts.	22:05:26
17	Q.	Did you use texts when you were vice president	22:05:33
18		of Irico Electronics?	22:05:36
19	A.	I think I used texts at that time.	22:05:38
20	Q.	Did your office workers ever use texts to	22:05:51
21		communicate with you about your schedule?	22:05:55
22	A.	Yes.	22:05:56
23	Q.	And so, you testified that sometimes they told	22:06:08
24		you face-to-face about your appointments, but in	22:06:16
25		addition, you're now saying they also used texts, is	22:06:20

1 that correct? 22:06:23

2 MR. CARTER: Object to form. 22:06:42

3 THE WITNESS: Yes, but for the majority of the 22:06:47

4 time, they would tell me face-to-face. 22:06:48

5 BY MR. RUSHING: 22:06:48

6 Q. Did they ever do both? 22:06:52

7 A. It depends on their own judgment. 22:07:05

8 Q. Do you have any of those texts from your 22:07:08

9 office workers about your schedule from the time you 22:07:12

10 were vice president of Irico Electronics? 22:07:16

11 MR. CARTER: Object to form. 22:07:33

12 THE WITNESS: Are you asking me if I still 22:07:41

13 have those texts from before? 22:07:42

14 BY MR. RUSHING: 22:07:42

15 Q. Yes. 22:07:45

16 A. No. I don't even remember how many phones 22:07:54

17 I've had since then. 22:07:56

18 Q. So what happened to the texts? 22:08:03

19 A. What do you mean by "what happened to the 22:08:11

20 texts"? 22:08:14

21 Q. I mean, where did they go? 22:08:15

22 MR. CARTER: Object to form. 22:08:27

23 THE WITNESS: Those texts were on my past 22:08:28

24 phones, so if I scrapped them, they are gone. 22:08:31

25 BY MR. RUSHING: 22:08:35

Exhibit E

BAKER BOTTS L.L.P.
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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION,

) Master File No. 07-cv-05944-JST

) MDL No.: 1917

THIS DOCUMENT RELATES TO:

ALL DIRECT PURCHASER ACTIONS

ALL INDIRECT PURCHASER ACTIONS

) **DECLARATION OF YAN
YUNLONG RE DEPOSITION
TESTIMONY AND IRICO
DEFENDANTS' INTERROGATORY
RESPONSES**

1 I, Yan Yunlong, declare as follows:

2 本人，闫云龙，声明如下：

3 1. I am a citizen of the People's Republic of China and reside in Shaanxi Province,
4 People's Republic of China.

5 本人是中华人民共和国公民，居住地为中华人民共和国陕西省。

6 2. I am currently the General Counsel of Irico Group Corp. ("Irico Group") and the
7 Director of Irico Group's Legal Affairs Department. I have been involved in the management
8 of this litigation since 2008. I was a member of a Litigation Committee established by Irico
9 Group Corp. in June 2008 to coordinate Irico Group Corp. and Irico Display Devices Co.,
10 Ltd.'s ("Irico Display," collectively "Irico") response to this litigation. At the time the
11 Litigation Committee was formed, I served as Legal Affairs Manager for Irico Group's
12 Enterprise Management Department.

13 本人目前是彩虹集团公司（“彩虹集团”）的总法律顾问和彩虹集团法务
14 部部长。本人自2008年以来一直参与此诉讼的管理工作。彩虹集团公司于2008年为了协
15 调彩虹集团公司和彩虹显示器件股份有限公司（“彩虹显示”，统称“彩虹”）对此案
16 的应诉而成立了诉讼委员会，本人是诉讼委员会的成员之一。诉讼委员会成立时，我担
17 任彩虹集团企业管理部法务经理。

18 3. I was deposed in this matter from September 27 through September 29, 2022. I
19 also provided input for Irico's responses to Indirect Purchaser Plaintiffs' 3rd and 4th Sets of
20 Interrogatories served by Irico on August 13, 2021, January 21, 2022, and February 23, 2022.

21 本人于2022年9月27日至9月29日期间就此案作证。我还为彩虹于 2021 年
22 8 月 13 日、2022 年 1 月 21 日和 2022 年 2 月 23 日就间接购买者原告对彩虹的
23 第三和第四组质询的回复提供了意见。

24 4. In the process of reviewing the transcript of my deposition testimony and the
25 interrogatory responses, I realized that I was confused regarding some questions and gave
26 inaccurate testimony contained within pages 123 through 139 of the transcript, as well as
27 inaccurate input for the interrogatory responses listed above. This information related to
28 certain events in 2008 following the formation of the Litigation Committee, specifically

1 relating to Irico's efforts to preserve documents for the litigation.

2 在审阅我的证词笔录和质询回答的过程中，我意识到我对一些问题没弄清
3 楚，并在证词笔录的第 123 页至 139 页中提供了一些不准确的证词，同时上述质询回
4 复中也存在错误。该信息与 2008 年诉讼委员会成立后的某些情况有关，特别是有关彩
5 虹为诉讼保存文件所做的努力。

6 5. I submit this Declaration to clarify and correct my testimony and recollections
7 regarding these events.

8 我提交本声明以澄清和纠正我对这些情况的证词和回忆。

9 6. In August 2008, I received an email from Irico's outside counsel at the time,
10 Pillsbury Winthrop Shaw Pittman LLP ("Pillsbury"), attaching a document containing
11 Pillsbury's privileged legal advice to Irico regarding preservation of documents for the
12 litigation.

13 2008 年 8 月，我收到了彩虹当时的外部律师 Pillsbury Winthrop Shaw
14 Pittman LLP ("Pillsbury") 的一封电子邮件，其附件包含了 Pillsbury 就此诉讼的文件保
15 存问题向彩虹提供的享有律师客户特权的法律建议。

16 7. In a subsequent meeting of the Litigation Committee in August 2008, I printed
17 and provided copies of the privileged document from Pillsbury to each of the Litigation
18 Committee members. The Litigation Committee members reviewed the document and
19 discussed the legal advice provided by Pillsbury.

20 在之后2008年8月的诉讼委会会议上，我打印出向其他所有诉讼委员会的
21 成员们出示了这份享有律师客户特权的文件的副本。诉讼委员会的成员们审阅了此文件
22 并讨论了Pillsbury提供的法律意见。

23 8. Following this discussion, the Litigation Committee members were tasked with
24 the responsibility of identifying any relevant documents in their possession and preserving any
25 such materials, as well as notifying subordinates who might have any relevant documents to
26 preserve those materials, if any existed. This instruction was given orally.
27
28

1 在讨论之后，交给诉讼委员会成员的任务是，如存在相关材料，则确认他
2 们已掌握的相关材料并予以保存，同时通知可能拥有任何相关文件的下属去保存这些资
3 料。该指示是口头给出的。

4 9. While the Litigation Committee members did receive copies of and discuss the
5 privileged document from Pillsbury, I do not recall whether the Litigation Committee members
6 discussed the specific categories of documents that each Litigation Committee member would
7 preserve and instruct other employees to preserve. It is my understanding that each Litigation
8 Committee member determined independently which subordinates should be contacted
9 regarding the preservation efforts and what information regarding preservation should be
10 relayed to each employee. Any statement to the contrary in my testimony or Irco's
11 interrogatory responses is inaccurate.

12 虽然诉讼委员会的成员们的确收到了Pillsbury具有律师客户特权的文件的
13 副本，并进行了讨论，但我不记得诉讼委员会成员是否讨论过每位诉讼委员会成员将保
14 存和指示其他员工保存的文件的特定类别。据我了解，每位诉讼委员会成员都独立确定
15 应就保全工作联系哪些下属，以及应将哪些保全的相关信息传达给员工。在我证词中或
16 彩虹的质询回复中的任何相反陈述都是不准确的。

17 10. I do not recall further discussion with the Litigation Committee members in
18 2008 on the issue of document preservation after this meeting.

19 我不记得在2008年这次会议后诉讼委员会成员还就文件保存问题进行过进
20 一步的讨论。

21 Executed this 18th day of November, 2022, in Xianyang, Shaanxi Province, People's Republic
22 of China.

23 于 2022 年 11 月 18 日在中华人民共和国陕西省咸阳市签署。

24 
25 _____
26 Mr. Yan Yunlong

27 闫云龙先生

Exhibit F

BAKER BOTTS L.L.P.
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Attorneys for Defendants
IRICO GROUP CORP. and
IRICO DISPLAY DEVICES CO., LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 4:07-cv-05944-JST
(N.D. Cal.)

MDL No. 1917

This Document Relates to:
ALL DIRECT PURCHASER ACTIONS

**IRICO DEFENDANTS' FIFTH
SUPPLEMENTAL OBJECTIONS
AND RESPONSES TO DIRECT
PURCHASER PLAINTIFFS' FIRST
SET OF INTERROGATORIES**

PROPOUNDING PARTY: Direct Purchaser Plaintiffs

RESPONDING PARTIES: Irico Group Corporation
Irico Display Devices Co., Ltd.

SET NUMBER: One

1 Pursuant to Federal Rules of Civil Procedure 26 and 33, Irico Group Corporation and Irico
2 Display Devices Co, Ltd. (collectively, “Irico” or “Irico Defendants”) hereby provides this
3 supplemental response to the Direct Purchaser Plaintiffs’ (“Plaintiff”) First Set of Interrogatories,
4 dated March 12, 2010 (“Interrogatories”). Irico reserves the right to amend or supplement these
5 Objections and Responses (the “Responses”) to the extent allowed by the Federal Rules of Civil
6 Procedure and the Local Rules of Practice in Civil Proceedings before the United States District
7 Court for the Northern District of California (“Local Rules”). Subject to and without waiving any
8 of Irico’s General and Specific Objections as set forth below, Irico is willing to meet and confer
9 with Plaintiff regarding such General and Specific Objections.

10 The following Responses are made only for purposes of this case. The Responses are
11 subject to all objections as to relevance, materiality and admissibility, and to any and all
12 objections on any ground that would require exclusion of any response if it were introduced in
13 court. All evidentiary objections and grounds are expressly reserved.

14 These Responses are subject to the provisions of the Stipulated Protective Order issued by
15 the Court on June 18, 2008 (“Protective Order”). Irico’s Responses are hereby designated
16 “Confidential” in accordance with the provisions of the Protective Order.

17 **GENERAL OBJECTIONS**

18 Irico makes the following General Objections to Plaintiff’s Interrogatories:

19 1. Irico’s Responses are based upon information available to and located by Irico as
20 of the date of service of these Responses. In responding to Plaintiff’s Interrogatories, Irico states
21 that it has conducted, or will conduct, a diligent search, reasonable in scope, of those files and
22 records in its possession, custody, or control believed to likely contain information responsive to
23 Plaintiff’s Interrogatories.

24 2. No express, incidental, or implied admissions are intended by these Responses and
25 should not be read or construed as such.

26 3. Irico does not intend, and its Responses should not be construed as, an agreement
27 or acquiescence with any characterization of fact, assumption, or conclusion of law contained in
28 or implied by the Interrogatories.

1 4. To the extent that Irico responds to Plaintiff's Interrogatories by stating that Irico
2 will produce or make available for examination responsive information or documents, Irico does
3 not represent that any such information or documents exist. Irico will make a good faith and
4 reasonable attempt to ascertain whether information responsive to Plaintiff's Interrogatories exists
5 and is properly producible, and will produce or make available for examination non-privileged
6 responsive materials to the extent any are located during the course of a reasonable search.

7 5. Irico objects to Plaintiff's Interrogatories to the extent that they are overly broad,
8 unduly burdensome, oppressive, and duplicative to the extent that they seek information or
9 documents that are already in the possession, custody, or control of Plaintiff.

10 6. Irico objects to Plaintiff's Interrogatories to the extent that they seek to impose
11 obligations on Irico beyond those of the Federal Rules of Civil Procedure, the Local Rules, or any
12 Order of this Court.

13 7. Irico objects to Plaintiff's Interrogatories to the extent they seek information that is
14 not relevant or disproportionate to the needs of the case.

15 8. Irico objects to Plaintiff's Interrogatories to the extent that they are vague,
16 ambiguous, or susceptible to more than one interpretation. Irico shall attempt to construe such
17 vague or ambiguous Interrogatories so as to provide for the production of responsive information
18 that is proportionate to the needs of the case. If Plaintiff subsequently asserts an interpretation of
19 any Interrogatory that differs from Irico's understanding, Irico reserves the right to supplement or
20 amend its Responses.

21 9. Irico objects to Plaintiff's Interrogatories to the extent that they contain terms that
22 are insufficiently or imprecisely defined. Irico shall attempt to construe such vague or ambiguous
23 Interrogatories so as to provide for the production of responsive information that is proportionate
24 to the needs of the case.

25 10. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
26 that is protected from disclosure by the attorney-client privilege, work product doctrine, joint
27 defense or common interest privilege, self-evaluative privilege, or any other applicable privilege
28 or immunity. Irico will provide only information that it believes to be non-privileged and

1 otherwise properly discoverable. Nothing in Irico's responses is intended nor should be construed
2 as a waiver of any such privilege or immunity. The inadvertent or mistaken provision of any
3 information or responsive documents subject to any such doctrine, privilege, protection or
4 immunity from production shall not constitute a general, inadvertent, implicit, subject-matter,
5 separate, independent or other waiver of such doctrine, privilege, protection or immunity from
6 production.

7 11. Irico objects to Plaintiff's Interrogatories to the extent that they call for
8 information that is not in the possession, custody, or control of Irico. Irico also objects to the
9 extent that any of Plaintiff's Interrogatories seek information from non-parties or third parties,
10 including but not limited to any of Irico's subsidiary or affiliated companies.

11 12. Irico objects to Plaintiff's Interrogatories to the extent that responding would
12 require Irico to violate the privacy and/or confidentiality of a third party or confidentiality
13 agreement with a third party.

14 13. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
15 that is publicly available, already in Plaintiffs' possession, custody, or control, or more readily
16 available from other sources.

17 14. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
18 or documents concerning transactions outside the United States. Such Interrogatories are unduly
19 burdensome and irrelevant to this pending action as Plaintiffs' purported class definition is
20 confined to "all persons . . . who directly purchased a Cathode Ray Tube Product . . . in the
21 United States" (see Direct Purchaser Plaintiffs' Consolidated Amended Complaint dated March
22 16, 2009).

23 15. Irico objects to Plaintiff's Interrogatories to the extent that compliance would
24 require Irico to violate the laws, regulations, procedures, or orders of a judicial or regulatory body
25 of foreign jurisdictions.

26 16. Irico's responses, whether now or in the future, pursuant to Plaintiff's
27 Interrogatories should not be construed as either (i) a waiver of any of Irico's general or specific
28

1 objections or (ii) an admission that such information or documents are either relevant or
2 admissible as evidence.

3 17. Irico objects to Plaintiff's Interrogatories to the extent that they are compound
4 and/or contain discrete subparts in violation of Federal Rule of Civil Procedure 33(a)(1).

5 18. Irico objects to Plaintiff's Interrogatories to the extent that they state and/or call for
6 legal conclusions.

7 19. Irico objects to the Interrogatories to the extent that they contain express or
8 implied assumptions of fact or law with respect to the matters at issue in this case.

9 20. Irico objects to the Interrogatories to the extent they seek information or
10 documents that cannot be removed or transmitted outside China without violating the laws and
11 regulations of that country, including but not limited to restrictions on the transmission of state
12 secrets or trade secrets as those terms are defined under Chinese law.

13 21. Irico reserves the right to assert additional General and Specific Objections as
14 appropriate to supplement these Responses.

15 These General Objections apply to each Interrogatory as though restated in full in the
16 responses thereto. The failure to mention any of the foregoing General Objections in the specific
17 responses set forth below shall not be deemed as a waiver of such objections or limitations.

18 **GENERAL OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

19 1. Irico objects to the definitions of "Defendant," "You," "Your," and "Yourself"
20 (Definition Nos. 1 and 3) to the extent that Plaintiff defines those terms to include the Irico's
21 "present or former employees, officers, directors, agents, predecessors, successors, parents,
22 subsidiaries, affiliates, joint ventures or any other person acting on their behalf." This definition is
23 overbroad, unduly burdensome, vague, and ambiguous. Irico also objects to the inclusion of all
24 "present or former employees, officers, directors, agents . . . or any other person acting on [the]
25 behalf [of]" Irico within this definition to the extent it purports to encompass information that is
26 protected by attorney-client privilege, work product protection or any other applicable doctrine,
27 privilege, protection or immunity or otherwise calls for a legal conclusion.

28 2. Irico objects to the definition of "Document" (Definition No. 4) to the extent it

1 seeks to impose requirements that are beyond those imposed by the Federal Rules of Civil
2 Procedure, the Local Rules, or any other applicable laws.

3 3. Irico objects to the definition of “Employee” (Definition No. 5) on the grounds
4 that it calls for a legal conclusion and is otherwise vague, ambiguous, and overly broad. Irico
5 further objects to this definition to the extent that it attempts to impose burdens on Irico beyond
6 those imposed by the Federal Rules of Civil Procedure. Irico further objects to this definition to
7 the extent that it seeks information protected by the attorney client or other applicable privilege,
8 attorney work product doctrine, or otherwise seeks to violate rights of privacy under U.S. or
9 foreign law.

10 4. Irico objects to the definitions of “CRT” and “CRT Product” (Definition No. 6) on
11 the grounds that they are vague, ambiguous and overly broad. Irico further objects to the use of
12 the term “CRT Products” to the extent that it is inconsistent with the definition of “CRT
13 Products” as set forth in Plaintiff’s pleadings.

14 5. Irico objects to the definition of the “Relevant Time Period” (Definition No. 7) as
15 overbroad, unduly burdensome, and beyond the applicable statute of limitations.

16 6. Irico objects to the definition of “Communication” (Definition No. 8) on the
17 grounds that it is vague, ambiguous, and overly broad. Irico further objects to this definition to the
18 extent that it attempts to impose burdens on Irico beyond those imposed by the Federal Rules of
19 Civil Procedure.

20 7. Irico objects to the definition of “Meeting” (Definition No. 10) on the grounds that
21 the definition is overly broad, unduly burdensome, and seeks information that is neither relevant
22 nor proportionate to the needs of the case.

23 8. Irico objects to Instruction No. 1 (related to identification of persons) to the extent
24 that it purports to impose burdens or obligations broader than, inconsistent with, or not authorized
25 under the Federal Rules of Civil Procedure, including, without limiting the generality of the
26 foregoing, Rule 26(b)(5)(A) and Rule 26(e)(1). Irico further objects to this Instruction to the
27 extent that it purports to impose burdens or obligations broader than, inconsistent with, or not
28 authorized under, the Local Rules and any orders of the Court, and on the grounds that it is vague,

1 ambiguous, and inconsistent with common usage. Irico further objects to this Instruction to the
 2 extent it seeks information that would disclose personal confidential information and/or violate
 3 any and all rights of privacy under the United States Constitution or Article I of the Constitution
 4 of the State of California, or any other applicable law or state constitution, or that is otherwise
 5 prohibited from disclosure because to do so would cause Irico to violate legal and/or contractual
 6 obligations to any other persons or entities.

7 9. Irico objects to Instruction No. 2 (related to identification of an entity other than a
 8 natural person) to the extent that it purports to impose burdens or obligations broader than,
 9 inconsistent with, or not authorized under the Federal Rules of Civil Procedure or other applicable
 10 rule or Order of this Court.

11 10. Irico objects to Instruction No. 3 (related to the production of business records in
 12 response to an interrogatory pursuant to Federal Rule of Civil Procedure 33(d)) on the grounds
 13 that it is unduly burdensome and purports to impose burdens and obligations upon Irico beyond
 14 those required by the Federal Rules of Civil Procedure or other applicable rule or Order of this
 15 Court.

16 **SPECIFIC RESPONSES AND OBJECTIONS TO INTERROGATORIES**

17 **INTERROGATORY NO. 16**

18 State whether any documents or information responsive to this set of interrogatories were
 19 destroyed, discarded, erased, deleted, purged, or otherwise lost. If Your answer is in any way in
 20 the affirmative:

21 (a) describe in detail the contents of each such document or information and the date it
 22 was destroyed, discarded, erased, deleted, purged or lost;

23 (b) identify each person who had any role or responsibility in destroying, discarding,
 24 erasing, purging, deleting or losing of each such document or information; and

25 (c) describe in detail the circumstances under which each such document or
 26 information was destroyed, discarded, erased, deleted, purged, or lost.

27 **RESPONSE TO INTERROGATORY NO. 16**

28 Irico reasserts and incorporates each of the General Objections and Objections to the

1 Definitions and Instructions set forth above.

2 Subject to and without waiving the objections stated above, Irico responds that it will
3 conduct a reasonable search for information responsive to this Interrogatory, if any, and
4 supplement its response as necessary.

5 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16**

6 Irico reasserts and incorporates each of the General Objections, Objections to the
7 Definitions and Instructions, and specific objections to Interrogatory No. 16 set forth above.

8 Subject to and without waiving the foregoing objections, Irico states as follows:

9 **Hard-Copy Documents**

10 Pursuant to Chinese law, the Ministry of Finance and State Archives Administration
11 requires companies like Irico to maintain and preserve certain accounting archives, including but
12 not limited to original invoices for sales, accounting books, general ledgers, financial accounting
13 reports, and bank statements. *See* IRI-CRT-00000900. Irico followed and continues to follow
14 these requirements. In addition, Irico's internal practices included the maintenance of additional
15 archives of material related to operational documents, administrative documents, technical
16 records and communications with agencies of the PRC government and Chinese Communist
17 Party.¹ Irico is not aware of records from the 1995 to 2007 time period that were preserved in the
18 various archives being destroyed. Irico understands that hard copy documents not preserved in
19 the archives were not required to be maintained in the ordinary course of business during the
20 period 1995 to 2007. Irico does not have records regarding the specific hard copy documents that
21 would have existed at the time the complaint was served on Irico and were not preserved in the
22 archives during the time of 1995 to 2007.

23 In its search for potentially responsive, hard copy files outside of the archives, Irico has
24 learned of a few possible circumstances in which certain Irico hard copy files may have been
25 unintentionally lost or destroyed. Irico is not aware whether any of the documents lost in the
26 events described below were: a) created in the time period 1995 through 2007, or b) relevant or

27
28 ¹ Additional information regarding the documents maintained in Irico's archives can be found in Irico's December 18, 2020 letter to Plaintiffs regarding discovery issues.

responsive to any of the discovery requests issued to Irico during the course of this litigation. The specific instances at issue include:

- A warehouse fire at the headquarters of Irico Group in 2017, which is believed to have resulted in the loss of some financial documents;
- The 2012 move of the offices of the Irico Sales Company² from the Irico CRT Plant No. 1 to other offices at Irico Group's headquarters during which certain hard copy files may not have been transferred; and,
- A subsequent renovation of the offices housing the disbanded Irico Sales Company in 2014 in which historical records may have been lost.

Irico is continuing to review its hard copy files and will update its response to this interrogatory if it identifies additional responsive information.

Electronic Documents

Based on its present knowledge, Irico understands that electronic documents were not regularly maintained in an electronic format by the company in the ordinary course of business during the period 1995 to 2007. There was no obligation under Chinese law to preserve electronic documents or data. Because no such obligation existed and Irico had limited electronic storage capacity, any documents required to be maintained under Chinese law, including original invoices for CRT sales, accounting books, general ledgers, financial accounting reports, and bank statements, or in the Corporate Archives of Irico, were printed and transferred to the archives. Irico further understands that it regularly overwrote existing electronic data due to limited storage capacity during that time period. For example, Irico believes that its servers overwrote email data every three to five days on average due to storage limits for the period including and prior to 2007.

Irico has reviewed and produced all responsive data from relevant and available computers from the time period 1995 to 2007. Irico is aware that computers of departed employees and/or older versions of computers were recycled. Irico is not aware of whether any

² Although the translated name of this unit is Irico Sales Company, it was not a separately incorporated entity.

of the recycled computers contained: a) any data whatsoever; b) any documents created in the time period 1995 through 2007, or c) any documents relevant or responsive to any of the discovery requests issued to Irico during the course of this litigation.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16

Irico reasserts and incorporates each of the General Objections, Objections to the Definitions and Instructions, and specific objections to Interrogatory No. 16 set forth above.

Subject to and without waiving the foregoing objections, Irico states as follows:

Irico is no longer in the CRT business and most employees and management from that line of business have since left the company. Identifying specific documents that might have existed between 1995 and 2007 is not always possible given the limited knowledge of available resources. Irico has provided information, and now provides additional information, some of which is beyond the scope of the specific requests in Interrogatory 16 to provide additional context regarding the available responsive information.

Hard-Copy Documents

Irico has not identified any specific, responsive hard-copy documents from the 1995 to 2007 period that were lost or destroyed after the complaint was served on Irico. Based on its further investigation, Irico has determined that the following types of documents may have been created between 1995 to 2007 and not preserved in Irico's archives, but Irico is unable to determine whether any individual documents in these categories may have been responsive, whether or how individual documents were lost or destroyed, or the date of such loss, if it occurred:

- Sales reports containing general CRT market information (*see* Wang Zhaojie Mar. 6, 2019 Dep. Tr. 37:20-38:18);
- CRT sales contracts with customers;
- Correspondence with customers regarding CRT sales; and
- Handwritten working notes taken by individual employees during the course of performing their job functions, including Wang Zhaojie and Wang Ximin.

Since the above categories of documents were not required to be preserved under the

1 Chinese regulations nor under Irico's own internal practices, Irico does not believe that these
2 records were maintained in any systematic format and employees have confirmed that they
3 regularly discarded these materials.

4 Based on its further investigation, Irico has also determined the following regarding
5 previously disclosed incidents of unintentional loss of hard copy documents:

- 6 • The warehouse fire at Irico headquarters occurred in August 2017 and resulted
7 only in the loss of accounting receipts from transactions occurring between 2016
8 and 2017; and
- 9 • The 2012 office move and subsequent 2014 renovation of the Irico Sales Company
10 offices did not result in the loss of any documents required to be preserved under
11 Chinese law or Irico's internal practices, including any original copies of sales
12 invoices or expense receipts. The Irico Sales Company was closed in 2004. At
13 that time, records required to be preserved under Chinese regulations or Irico's
14 internal practices were stored in the archives, pursuant to previously discussed
15 practices. Records of the Irico Sales Company that were not required to be
16 maintained under Chinese regulations or Irico's internal practices were likely not
17 preserved from the period preceding the closure of the Company in 2004, as Irico
18 began a reduction in sales and administrative staff at that time and transitioned
19 remaining staff to selling on behalf of Irico Electronics and Display. If such
20 records existed and were not destroyed in or soon after 2004, they may not have
21 been maintained upon the office move in 2012. At present, Irico has no way of
22 knowing exactly what records, if any, might have remained in the former offices of
23 Irico Sales Company, since several years had passed at the time of the office move
24 since any such records were reviewed or utilized.

25 Irico is continuing to review its hard copy files and will update its response to this
26 interrogatory if it identifies additional responsive information.

27 **Email Systems**

28 Irico began using email in approximately the 2004-2005 time period. At first, Irico issued

1 email addresses only at the departmental level rather than to individual employees. Thus, for
2 example, the Sales Department personnel would share a single email address issued to that
3 department. Over time, Irico expanded the issuance of individual emails according to business
4 need and consistent with the available email storage capacity at that time.

5 At the time that Irico first introduced email through at least the end of 2007, electronic
6 documents generally, and email specifically, were not widely used. At that time, the company had
7 limited storage available to an individual user, whose accounts typically allowed for storage of
8 only 1-2 MB of email. As a result of this limited storage, email users, depending on the volume of
9 email received, would need to delete emails frequently in order to allow for the delivery of
10 additional email.

11 In addition to limited individual account capacity, Irico's email server likewise had
12 limited storage capacity. Due to this limited capacity, the server itself would need to overwrite the
13 oldest emails in order to keep the server from reaching its storage capacity. The frequency of this
14 process varied depending on the volume of email that the company received. During periods of
15 higher email activity, email would be overwritten every 3-5 days on average. During periods of
16 lower activity, such as during the Chinese New Year holiday, emails over a longer period may be
17 stored, for example closer to 14 days. In any event, Irico had a back-end server policy to delete all
18 emails older than 20 days from the time that Irico started using email through at least the end of
19 2007.

20 **Other Electronic Systems**

21 Irico did not use a networked computer system during the period 1995 – 2007. Likewise,
22 Irico did not have any centralized storage systems for electronic documents.

23 **Handheld Devices**

24 Irico did not issue electronic handheld devices to its employees, nor did Irico reimburse
25 employees for a personal cell phone or expenses related to it. If an employee chose to use a
26 personal cell phone for business, Irico had no control or oversight regarding that device, and Irico
27 did not deploy any enterprise software related to handheld devices. Irico has asked remaining
28 current employees who may be relevant to the issues raised by DPPs whether they have any cell

1 phone invoices from the 1995 to 2007 timeframe, but no such documents have been located.

2
3
4 Dated: July 7, 2021

BAKER BOTTS L.L.P.

5
6 /s/ John M. Taladay

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25 *Attorneys for Defendants*
26 *IRICO GROUP CORP. and*
27 *IRICO DISPLAY DEVICES CO., LTD.*
28

CERTIFICATE OF SERVICE**In re: Cathode Ray Tube (CRT) Antitrust Litigation - MDL No. 1917**

I declare that I am employed in Washington, District of Columbia. I am over the age of eighteen years and not a party to the within case; my business address is: Baker Botts L.L.P., 700 K Street, N.W., Washington, D.C. 20001.

On July 7, 2021, I served the following document(s) described as:

**IRICO DEFENDANTS' FIFTH SUPPLEMENTAL OBJECTIONS
AND RESPONSES TO DIRECT PURCHASER
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

on the following interested parties in this action:

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*Counsel for the Indirect Purchaser
Plaintiffs*

[X] (BY ELECTRONIC MAIL) I caused such documents to be sent to the persons at the email addressed listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct. Executed on July 7, 2021, in Washington, D.C.

/s/ Thomas E. Carter

Thomas E. Carter

Exhibit G

BAKER BOTTS L.L.P.
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Attorneys for Defendants
IRICO GROUP CORP. and
IRICO DISPLAY DEVICES CO., LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 07-cv-05944-JST
(N.D. Cal.)

MDL No. 1917

This Document Relates to:
ALL DIRECT PURCHASER ACTIONS

**IRICO DEFENDANTS' OBJECTIONS
AND RESPONSES TO DIRECT
PURCHASER PLAINTIFF ARCH
ELECTRONICS INC.'S FIRST SET OF
INTERROGATORIES TO IRICO
GROUP CORPORATION AND IRICO
DISPLAY DEVICES CO, LTD.**

PROPOUNDING PARTY: ARCH ELECTRONICS, INC.

RESPONDING PARTIES: Irico Group Corporation
Irico Display Devices Co., Ltd.

SET NUMBER: One

IRICO'S OBJECTIONS AND RESPONSES TO
DPP ARCH ELECTRONICS INC.'S FIRST SET
INTERROGATORIES

Master File No. 07-cv-05944-JST
MDL No. 1917

Pursuant to Federal Rules of Civil Procedure 26 and 33, Irico Group Corporation and Irico Display Devices Co, Ltd. (collectively, “Irico” or “Irico Defendants”) hereby provides this response to Direct Purchaser Plaintiff Arch Electronics, Inc.’s (“Plaintiff”) First Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., dated December 13, 2021 (“Interrogatories”). Irico reserves the right to amend or supplement these Objections and Responses (the “Responses”) to the extent allowed by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California (“Local Rules”). Subject to and without waiving any of Irico’s General and Specific Objections as set forth below, Irico is willing to meet and confer with Plaintiff regarding such General and Specific Objections.

The following Responses are made only for purposes of this case. The Responses are subject to all objections as to relevance, materiality and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court. All evidentiary objections and grounds are expressly reserved.

These Responses are subject to the provisions of the Stipulated Protective Order that the Court issued on June 18, 2008 (“Protective Order”). Irico’s Responses are hereby designated “Confidential” in accordance with the provisions of the Protective Order.

GENERAL OBJECTIONS

Irico makes the following General Objections to Plaintiff’s Interrogatories:

1. Irico’s Responses are based upon information available to and located by Irico as of the date of service of these Responses. In responding to Plaintiff’s Interrogatories, Irico states that it has conducted a diligent search, reasonable in scope, of those files and records in its possession, custody, or control believed to likely contain information responsive to Plaintiff’s Interrogatories.

2. No express, incidental, or implied admissions are intended by these Responses and should not be read or construed as such.

3. Irico does not intend, and its Responses should not be construed as, an agreement or acquiescence with any characterization of fact, assumption, or conclusion of law contained in

1 or implied by the Interrogatories.

2 4. Irico objects to Plaintiff's Interrogatories to the extent that they are overly broad,
3 unduly burdensome, oppressive, and duplicative to the extent that they seek information or
4 documents that are already in the possession, custody, or control of Plaintiff.

5 5. Irico objects to Plaintiff's Interrogatories to the extent that they seek to impose
6 obligations on Irico beyond those of the Federal Rules of Civil Procedure, the Local Rules, or any
7 Order of this Court.

8 6. Irico objects to Plaintiff's Interrogatories to the extent that they request duplicative
9 discovery in violation of the Order Re Discovery And Case Management Protocol, ECF No.
10 1128. *See* Order Re Plaintiffs' Motions To Compel Supplemental Discovery From Toshiba And
11 Panasonic, ECF No. 4128, at 4 ("The Discovery Protocol (ECF No 1128), requires parties to
12 coordinate discovery and not file duplicative discovery. . . . The benefit redounds to all parties on
13 both sides of the litigation, by conserving the efforts required by plaintiffs and protecting
14 defendants against unnecessary duplication of effort.") (Report and Recommendation adopted in
15 full at ECF No. 4256).

16 7. Irico objects to Plaintiff's Interrogatories to the extent they seek information that is
17 not relevant or disproportionate to the needs of the case.

18 8. Irico objects to Plaintiff's Interrogatories to the extent that they are vague,
19 ambiguous, or susceptible to more than one interpretation. Irico shall attempt to construe such
20 vague or ambiguous Interrogatories so as to provide for the production of responsive information
21 that is proportionate to the needs of the case. If Plaintiff subsequently asserts an interpretation of
22 any Interrogatory that differs from Irico's understanding, Irico reserves the right to supplement or
23 amend its Responses.

24 9. Irico objects to Plaintiff's Interrogatories to the extent that they contain terms that
25 are insufficiently or imprecisely defined. Irico shall attempt to construe such vague or ambiguous
26 Interrogatories so as to provide for the production of responsive information that is proportionate
27 to the needs of the case.

28 10. Irico objects to Plaintiff's Interrogatories to the extent that they seek information

1 that is protected from disclosure by the attorney-client privilege, work product doctrine, joint
2 defense or common interest privilege, self-evaluative privilege, or any other applicable privilege
3 or immunity. Irico has provided only information that it believes to be non-privileged and
4 otherwise properly discoverable. Nothing in Irico's responses is intended nor should be construed
5 as a waiver of any such privilege or immunity. The inadvertent or mistaken provision of any
6 information or responsive documents subject to any such doctrine, privilege, protection or
7 immunity from production shall not constitute a general, inadvertent, implicit, subject-matter,
8 separate, independent or other waiver of such doctrine, privilege, protection or immunity from
9 production.

10 11. Irico objects to Plaintiff's Interrogatories to the extent that they call for
11 information that is not in the possession, custody, or control of Irico. Irico also objects to the
12 extent that any of Plaintiff's Interrogatories seek information from non-parties or third parties,
13 including but not limited to any of Irico's subsidiary or affiliated companies.

14 12. Irico objects to Plaintiff's Interrogatories to the extent that responding would
15 require Irico to violate the privacy and/or confidentiality of a third party or confidentiality
16 agreement with a third party.

17 13. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
18 that is publicly available, already in Plaintiffs' possession, custody, or control, or more readily
19 available from other sources.

20 14. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
21 or documents concerning transactions outside the United States. Such Interrogatories are unduly
22 burdensome and irrelevant to this pending action as Plaintiffs' class definition is confined to "all
23 persons . . . who directly purchased a Cathode Ray Tube Product . . . in the United States" (see
24 Direct Purchaser Plaintiffs' Consolidated Amended Complaint dated March 16, 2009).

25 15. Irico objects to Plaintiff's Interrogatories to the extent that compliance would
26 require Irico to violate the laws, regulations, procedures, or orders of a judicial or regulatory body
27 of foreign jurisdictions.
28

1 16. Irico's responses, whether now or in the future, pursuant to Plaintiff's
2 Interrogatories should not be construed as either (i) a waiver of any of Irico's general or specific
3 objections or (ii) an admission that such information or documents are either relevant or
4 admissible as evidence.

5 17. Irico objects to Plaintiff's Interrogatories to the extent that they are compound
6 and/or contain discrete subparts in violation of Federal Rule of Civil Procedure 33(a)(1).

7 18. Irico objects to Plaintiff's Interrogatories to the extent that they state and/or call for
8 legal conclusions.

9 19. Irico objects to the Interrogatories to the extent that they contain express or
10 implied assumptions of fact or law with respect to the matters at issue in this case.

11 20. Irico objects to the Interrogatories to the extent they seek information or
12 documents that cannot be removed or transmitted outside China without violating the laws and
13 regulations of that country, including but not limited to restrictions on the transmission of state
14 secrets or trade secrets as those terms are defined under Chinese law.

15 21. Irico objects to the Interrogatories to the extent that they are "contention
16 interrogatories" regarding issues implicated by expert analysis and disclosures. *See Young v.*
17 *Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irico objects to
18 each Interrogatory to the extent that it is premature and/or to the extent that it: (a) conflicts with
19 obligations that are imposed by the Federal Rules of Civil Procedure, the Civil Local Rules of this
20 Court, and/or any other applicable rule; (b) seeks information that is the subject of expert
21 testimony; and/or (c) seeks information that is dependent on depositions and documents of third-
22 parties that have not been discovered.

23 22. Irico reserves the right to assert additional General and Specific Objections as
24 appropriate to supplement these Responses.

25 These General Objections apply to each Interrogatory as though restated in full in the
26 responses thereto. The failure to mention any of the foregoing General Objections in the specific
27 responses set forth below shall not be deemed as a waiver of such objections or limitations.
28

GENERAL OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Irico objects to the definitions of “Defendant,” “You,” and “Your” (Definition Nos. 1 and 2) to the extent that Plaintiff defines those terms to include Irico’s “subsidiaries, affiliates, agents, employees, attorneys, consultants, representatives and any other person or entity acting on their behalf or at their direction.” This definition is overbroad, unduly burdensome, vague, and ambiguous. Irico also objects to the inclusion of all “agents, employees, attorneys, consultants, representatives and any other person or entity acting on [Irico’s] behalf or at [Irico’s] direction” within this definition to the extent it purports to encompass information that is protected by attorney-client privilege, work product protection or any other applicable doctrine, privilege, protection or immunity or otherwise calls for a legal conclusion.

2. Irico objects to the definitions of “CRT” and “CRT Product” (Definition Nos. 4 and 5) on the grounds that they are vague, ambiguous and overly broad. Irico further objects to the use of the term “CRT Products” to the extent that it is inconsistent with the definition of “CRT Products” as set forth in Plaintiff’s pleadings

3. Irico objects to the definition of “Person” (Definition No. 12) on the grounds that it calls for a legal conclusion and is otherwise vague, ambiguous, and overly broad. Irico further objects to this definition to the extent that it attempts to impose burdens on Irico beyond those imposed by the Federal Rules of Civil Procedure. Irico further objects to this definition to the extent that it seeks information protected by the attorney client or other applicable privilege, attorney work product doctrine, or otherwise seeks to violate rights of privacy under U.S. or foreign law.

4. Irico objects to the definition of “Document” (Definition No. 13) to the extent it seeks to impose requirements that are beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any other applicable laws.

5. Irico objects to the definition of “Identify” (Definition No. 14) to the extent it seeks to impose requirements that are beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any other applicable laws.

6. Irico objects to the Instructions (related to the production of business records in

1 response to an interrogatory pursuant to Federal Rule of Civil Procedure 33(d)) on the grounds
 2 that it is unduly burdensome and purports to impose burdens and obligations upon Irico beyond
 3 those required by the Federal Rules of Civil Procedure or other applicable rule or Order of this
 4 Court.

5 **SPECIFIC RESPONSES TO INTERROGATORIES**

6 **INTERROGATORY NO. 1**

7 To the extent that your answer to any of DPP Arch Electronics Inc.'s First Set of
 8 Requests for Admission to Irico Group Corporation and Irico Display Devices, Co. Ltd, served
 9 herewith, is anything other than an unqualified admission:

- 10 (a) State the facts that You rely on to support Your denial or partial denial;
- 11 (b) Identify each Person You contend has knowledge of facts that support Your
 12 denial or partial denial; and
- 13 (c) Identify each Document You contend supports Your denial or partial denial.

14 **RESPONSE TO INTERROGATORY NO. 1**

15 Irico reasserts and incorporates each of the General Objections and Objections to the
 16 Definitions and Instructions set forth above. Irico also reasserts and incorporates each of the
 17 General Objections, Objections to the Definitions and Instructions, and objections in each of its
 18 Specific Responses to Requests for Admission as set forth in Irico Defendants' Objections and
 19 Responses to Direct Purchaser Plaintiff Arch Electronic, Inc.'s First Set of Requests for
 20 Admission, served herewith. Irico further objects to this interrogatory as overbroad and unduly
 21 burdensome, as Plaintiff has not demonstrated how the benefit of such information outweighs the
 22 significant burden to Irico of responding to each denial of the 167 RFAs propounded by
 23 Plaintiffs.

24 Subject to and without waiving the foregoing objections, Irico responds as follows:

25 **RESPONSE RE: REQUEST FOR ADMISSION NO. 1**

26 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
 27 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
 28 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information

1 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
2 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
3 conclusion. Irico further objects to the use of the terms “unqualified,” “knowledge,” and
4 “support” because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
5 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
6 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
7 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
8 provide facts and evidence of events that did not take place.

9 Subject to and without waiving the objections stated above and pursuant to FRCP 33(d)
10 and not limited to the following, Irico states that despite the Interrogatory’s demand for proof of
11 facts and evidence of events that did not take place, Irico relies on the following evidence:
12 Irico Defendants’ Second Supplemental Objections and Responses to Direct Purchaser Plaintiffs’
13 First Set of Interrogatories, May 3, 2021; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico
14 Display Devices Co., Ltd., March 6-8, 2019; Expert Report of Robert D. Willig, December 17,
15 2012; Expert Report of Janusz A. Ordoover, Ph.D., (IPP Report), August 5, 2014; Expert Report of
16 Janusz A. Ordoover, Ph. D., (Various DAP Reports); Expert Report of Robert D. Willig, August 5,
17 2014; Expert Report of Margaret E. Guerin-Calvert, August 5, 2014; and Expert Report of Prof.
18 Dennis W. Carlton, August 5, 2014.

19 Irico identifies the following employees as having knowledge regarding this Interrogatory:
20 Wang Zhaojie and Su Xiaohua.

21 **RESPONSE RE: REQUEST FOR ADMISSION NO. 2**

22 In addition to Irico’s General Objections, which Irico incorporates by reference, Irico
23 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
24 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
25 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
26 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
27 conclusion. Irico further objects to the use of the terms “unqualified,” “knowledge,” and
28 “support” because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly

1 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
 2 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
 3 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
 4 provide facts and evidence of events that did not take place.

5 Subject to and without waiving the objections stated above, and despite the Interrogatory's
 6 demand for proof of facts and evidence of events that did not take place, Irico refers Plaintiffs to
 7 its response to Request for Admission No. 2, which contains a complete basis for its response to
 8 this Interrogatory.

9 **RESPONSE RE: REQUEST FOR ADMISSION NO. 3**

10 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
 11 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
 12 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
 13 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
 14 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
 15 conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and
 16 "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
 17 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
 18 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
 19 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
 20 provide facts and evidence of events that did not take place.

21 Subject to and without waiving the objections stated above, and despite the Interrogatory's
 22 demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence
 23 has been brought in the above captioned matter that indicates that Irico manufactured, sold, or
 24 distributed CRTs in the United States during the class period. In particular, Irico will be
 25 producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the
 26 United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser
 27 Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico
 28 Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14,

2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Third Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co., Ltd., March 6-8, 2019.

Irico identifies the following persons with knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

RESPONSE RE: REQUEST FOR ADMISSION NO. 4

In addition to Irico's General Objections, which Irico incorporates by reference, Irico specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to Plaintiffs or stated in publicly available documents. Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to provide facts and evidence of events that did not take place.

Subject to and without waiving the objections stated above, and despite the Interrogatory's demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence has been brought in the above captioned matter that indicates that Irico manufactured, sold, or distributed CRTs in the United States during the class period. In particular, Irico will be producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico

1 Display Devices Co., Ltd.’s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14,
 2 2021; Irico Defendants’ Sixth Supplemental Objections and Responses to Direct Purchaser
 3 Plaintiffs’ First Set of Interrogatories, January 7, 2022; Irico Defendants’ Third Supplemental
 4 Objections and Responses to Indirect Purchaser Plaintiffs’ First Set of Interrogatories, January 7,
 5 2022; Irico Defendants’ Supplemental Objections and Responses to Indirect Purchaser Plaintiffs’
 6 Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd.,
 7 January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co.,
 8 Ltd., March 6-8, 2019.

9 Irico identifies the following persons with knowledge regarding this Interrogatory: Wang
 10 Zhaojie and Su Xiaohua.

11 **RESPONSE RE: REQUEST FOR ADMISSION NO. 5**

12 In addition to Irico’s General Objections, which Irico incorporates by reference, Irico
 13 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
 14 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
 15 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
 16 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
 17 conclusion. Irico further objects to the use of the terms “unqualified,” “knowledge,” and
 18 “support” because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
 19 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
 20 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
 21 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
 22 provide facts and evidence of events that did not take place.

23 Subject to and without waiving the objections stated above, and despite the Interrogatory’s
 24 demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence
 25 has been brought in the above captioned matter that indicates that Irico manufactured, sold, or
 26 distributed CRTs in the United States during the class period. In particular, Irico will be
 27 producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the
 28 United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser

1 Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico
 2 Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14,
 3 2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct Purchaser
 4 Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Third Supplemental
 5 Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Interrogatories, January 7,
 6 2022; Irico Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs'
 7 Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd.,
 8 January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co.,
 9 Ltd., March 6-8, 2019.

10 Irico identifies the following persons with knowledge regarding this Interrogatory: Wang
 11 Zhaojie and Su Xiaohua.

12 **RESPONSE RE: REQUEST FOR ADMISSION NO. 6**

13 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
 14 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
 15 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
 16 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
 17 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
 18 conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and
 19 "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
 20 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
 21 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
 22 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
 23 provide facts and evidence of events that did not take place.

24 Subject to and without waiving the objections stated above, and despite the Interrogatory's
 25 demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence
 26 has been brought in the above captioned matter that indicates that Irico manufactured, sold, or
 27 distributed CRTs in the United States during the class period. In particular, Irico will be
 28 producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the

United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14, 2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Third Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co., Ltd., March 6-8, 2019.

Irico identifies the following persons with knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

RESPONSE RE: REQUEST FOR ADMISSION NO. 7

In addition to Irico's General Objections, which Irico incorporates by reference, Irico specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to Plaintiffs or stated in publicly available documents. Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to provide facts and evidence of events that did not take place.

Subject to and without waiving the objections stated above, and despite the Interrogatory's demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence has been brought in the above captioned matter that indicates that Irico manufactured, sold, or distributed CRTs in the United States during the class period. In particular, Irico will be

1 producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the
 2 United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser
 3 Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico
 4 Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14,
 5 2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct Purchaser
 6 Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Third Supplemental
 7 Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Interrogatories, January 7,
 8 2022; Irico Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs'
 9 Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd.,
 10 January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co.,
 11 Ltd., March 6-8, 2019.

12 Irico identifies the following persons with knowledge regarding this Interrogatory: Wang
 13 Zhaojie and Su Xiaohua.

14 **RESPONSE RE: REQUEST FOR ADMISSION NOS. 8-24**

15 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
 16 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
 17 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
 18 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
 19 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
 20 conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and
 21 "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
 22 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
 23 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
 24 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
 25 provide facts and evidence of events that did not take place.

26 Subject to and without waiving the objections stated above, Irico refers Plaintiffs to its
 27 responses to Request for Admission Nos. 8-24, which contain a complete basis for its response to
 28 this Interrogatory.

RESPONSE RE: REQUEST FOR ADMISSION NOS. 25-56 AND 61-160

In addition to Irico's General Objections, which Irico incorporates by reference, Irico specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to Plaintiffs or stated in publicly available documents. Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

Subject to and without waiving the objections stated above, Irico responds that its decision to admit, admit-in part and deny-in-part, deny, or state that it lacked sufficient information to admit or deny was based a reasonable review of the discovery responses from other Defendants available to Irico. Irico possesses no knowledge of its own regarding the corporate structure of the entities listed in the aforementioned Requests. This information is equally available to Plaintiffs as it is to Irico.

RESPONSE RE: REQUEST FOR ADMISSION NO. 57

In addition to Irico's General Objections, which Irico incorporates by reference, Irico specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to Plaintiffs or stated in publicly available documents. Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

1 Subject to and without waiving the objections stated above, Irico refers Plaintiffs to its
2 responses to Request for Admission No. 57, which contains a complete basis for its response to
3 this Interrogatory.

4 **RESPONSE RE: REQUEST FOR ADMISSION NO. 58**

5 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
6 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
7 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
8 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
9 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
10 conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and
11 "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
12 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
13 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
14 that Plaintiffs alone carry to Irico.

15 Subject to and without waiving the objections stated above, Irico refers Plaintiffs to its
16 responses to Request for Admission No. 58, which contains a complete basis for its response to
17 this Interrogatory.

18 **RESPONSE RE: REQUEST FOR ADMISSION NO. 59**

19 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
20 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
21 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
22 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
23 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
24 conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and
25 "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
26 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
27 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
28 that Plaintiffs alone carry to Irico.

1 Subject to and without waiving the objections stated above, Irico responds that from July
 2 1992 to February 1996, Irico Group held an indirect but controlling share of Irico Display. In
 3 February 1996, Irico Group acquired a controlling 23.77% of the non-publicly traded shares of
 4 Irico Display. In June 1999, Irico Group increased its shareholding in Irico Display to 57.9%. In
 5 September 2004, Irico Group transferred its 56.14% interest in Irico Display to Irico Group
 6 Electronics Co., Ltd. (“Irico Electronics”), a majority-owned subsidiary of Irico Group. From
 7 2004 onward, Irico Group indirectly controlled Irico Display through its ownership interest in
 8 Irico Electronics. In July 2006, Irico Electronics shareholding interest in Irico Display decreased
 9 to 42.90%, however Irico Electronics maintained a controlling interest in Irico Display.

10 **RESPONSE RE: REQUEST FOR ADMISSION NO. 60**

11 In addition to Irico’s General Objections, which Irico incorporates by reference, Irico
 12 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
 13 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
 14 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
 15 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
 16 conclusion. Irico further objects to the use of the terms “unqualified,” “knowledge,” and
 17 “support” because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
 18 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
 19 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
 20 that Plaintiffs alone carry to Irico.

21 Subject to and without waiving the objections stated above, Irico refers Plaintiffs to its
 22 Response re Request for Admission No. 59.

23 **RESPONSE RE: REQUEST FOR ADMISSION NOS. 161-167**

24 In addition to Irico’s General Objections, which Irico incorporates by reference, Irico
 25 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
 26 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
 27 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
 28 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal

1 conclusion. Irico further objects to the use of the terms “unqualified,” “knowledge,” and
2 “support” because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
3 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
4 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
5 that Plaintiffs alone carry to Irico.

6 Subject to and without waiving the objections stated above, Irico refers Plaintiffs to its
7 responses to Request for Admission Nos. 161-167, which contain a complete basis for its
8 response to this Interrogatory.

9 **INTERROGATORY NO. 2**

10 Describe Irico’s relationship with former employees including any obligations owed by
11 former employees to Irico, conditions imposed on severance or retirement benefit eligibility, or
12 similar policies and procedures.

13 **RESPONSE TO INTERROGATORY NO. 2**

14 Irico reasserts and incorporates each of the General Objections and Objections to the
15 Definitions and Instructions set forth above. Irico further objects to this interrogatory as
16 overbroad and unduly burdensome, as Plaintiff has not demonstrated how the benefit of such
17 information outweighs the significant burden to Irico of requiring the company to search through
18 historical records for such information. Irico also objects to this interrogatory to the extent it
19 purports to request information beyond the possession, custody, or control of Irico Group or Irico
20 Display, including but not limited to information in the possession of non-parties where Irico
21 lacks any duty to obtain or otherwise search for the information and for whom the Court lacks
22 personal jurisdiction. Irico further objects that this interrogatory is duplicative and cumulative of
23 other requests served on Irico, including but not limited to: Interrogatory No. 6 of Indirect
24 Purchaser Plaintiffs’ Third Set of Interrogatories. Such duplicative and cumulative requests
25 violate the Order Re Discovery And Case Management Protocol, ECF No. 1128. *See* Order Re
26 Plaintiffs’ Motions To Compel Supplemental Discovery From Toshiba And Panasonic, ECF No.
27 4128, at 4 (“The Discovery Protocol (ECF No 1128), requires parties to coordinate discovery and
28 not file duplicative discovery. . . . The benefit redounds to all parties on both sides of the

litigation, by conserving the efforts required by plaintiffs and protecting defendants against unnecessary duplication of effort.”) (Report and Recommendation adopted in full at ECF No. 4256).

Subject to and without waiving the objections stated above, Irico responds that no relationship exists with former employees. When an employee ends his employment with Irico, his/her employment files are transferred to either the employees’ new employer or, in the case of employees who retire from Irico, the archive management agency of the government of the People’s Republic of China. When an employee retires from Irico, and his/her pension and other benefits are paid directly by the government of the People’s Republic of China. Irico cannot impose conditions on severance or retirement benefit eligibility.

INTERROGATORY NO. 3

Do you contend that the market for CPTs was the same market, or a separate market, from the market for CDTs?

(a) State the facts that You rely on to support Your contention;

(b) Identify each Person You contend has knowledge of facts that support Your contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 3

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court’s schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). In particular, this Interrogatory concerning market definition for CRTs particularly implicates antitrust law and expert analysis, and is not ripe for a response at this stage of the litigation. Irigo reserves all rights to further supplement its responses at an appropriate time following the substantial completion of other fact and expert discovery. Irigo also objects to this

1 Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone
2 carry to Irico.

3 Subject to and without waiving the foregoing objections, Irico identifies the following
4 evidence under FRCP 33(d): Expert Report of Robert D. Willig, December 17, 2012; Expert
5 Report of Janusz A. Ordoover, Ph.D., (IPP Report), August 5, 2014; Expert Report of Janusz A.
6 Ordoover, Ph. D., (Various DAP Reports); Expert Report of Robert D. Willig, August 5, 2014;
7 Expert Report of Margaret E. Guerin-Calvert, August 5, 2014; and Expert Report of Prof. Dennis
8 W. Carlton, August 5, 2014.

9 **INTERROGATORY NO. 4**

10 Do You contend that You were a victim of the CRT conspiracy alleged in the
11 Complaint? If so:

- 12 1. State the facts that You rely on to support Your contention;
- 13 2. Identify each Person You contend has knowledge of facts that support
14 Your contention; and
- 15 3. Identify each Document You contend supports Your contention.

16 **RESPONSE TO INTERROGATORY NO. 4**

17 Irico reasserts and incorporates each of the General Objections and Objections to the
18 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
19 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
20 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
21 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
22 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
23 Cal. May 19, 2011). Irico reserves all rights to further supplement its responses at an appropriate
24 time following the substantial completion of other fact and expert discovery.

25 Subject to and without waiving the foregoing objections, and based on its present
26 knowledge, Irico responds that it does not contend at this time that it was a victim of the alleged
27 conspiracy.
28

INTERROGATORY NO. 5

Do You contend that You did not fix prices with other Defendants, Mitsubishi, Thomson or Videocom? If so:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and
- (c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 5

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). In particular, this Interrogatory concerning allegations at the core of Plaintiffs' claims particularly implicates legal and economic expert conclusions, and is not ripe for a response at this stage of the litigation. Irigo reserves all rights to further supplement its responses at an appropriate time following the substantial completion of other fact and expert discovery. Irigo also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irigo.

Subject to and without waiving the foregoing objections, and based on its present knowledge, Irigo directs Plaintiffs' to its Response to Interrogatory No. 1.

INTERROGATORY NO. 6

Do you contend that Your contacts with other CRT manufacturers had lawful, competitive purposes, for each contact? If so:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 6

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion. Irigo further objects to this interrogatory to the extent that it improperly tries to shift the pleading and evidentiary burden that Plaintiffs alone carry to Irigo.

Subject to and without waiving the foregoing objections, Irigo identifies the following evidence under FRCP 33(d): Expert Report of Robert D. Willig, December 17, 2012; Expert Report of Janusz A. Ordovery, Ph.D., (IPP Report), August 5, 2014; Expert Report of Janusz A. Ordovery, Ph. D., (Various DAP Reports); Expert Report of Robert D. Willig, August 5, 2014; Expert Report of Margaret E. Guerin-Calvert, August 5,/* 2014; and Expert Report of Prof. Dennis W. Carlton, August 5, 2014; Rule 30(b)(6) Deposition of Irigo Group Corp. and Irigo Display Devices Co., Ltd., March 6-8, 2019; Reply Brief of Irigo In Support of Motion to Set Aside Default at 10-11, ECF No. 5229; Exs. A – F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF Nos. 5229-02 through -07; IRI-CRT-00031457.

INTERROGATORY NO. 7

If you contend that any Samsung-branded color television or computer monitor sold in the United States during the Relevant Time Period contained CRTs that were not manufactured by a Defendant or alleged Co-Conspirator, please:

(a) State the facts that You rely on to support Your contention;

(b) Identify the brand, model number, size and time period sold in the United States each such CRT color television or computer monitor;

(c) Identify each Person You contend has knowledge of facts that support

1 Your contention; and

2 (d) Identify each Document You contend supports Your contention.

3 **RESPONSE TO INTERROGATORY NO. 7**

4 Irico reasserts and incorporates each of the General Objections and Objections to the
5 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
6 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
7 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
8 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
9 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
10 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of
11 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
12 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all
13 rights to further supplement its responses at an appropriate time following the substantial
14 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent
15 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

16 Subject to and without waiving the foregoing objections, and based on its present
17 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
18 contention.

19 **REQUEST FOR ADMISSION NO. 8**

20 If you contend that any Hitachi-branded color television or computer monitor sold in the
21 United States during the Relevant Time Period contained CRTs that were not manufactured by a
22 Defendant or alleged Co-Conspirator, please:

23 (a) State the facts that You rely on to support Your contention;

24 (b) Identify the brand, model number, size and time period sold in the United States
25 each such CRT color television or computer monitor;

26 (c) Identify each Person You contend has knowledge of facts that support Your
27 contention; and

28 (d) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 8

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of the viability of Plaintiffs' claims, but that are completely unrelated to Irigo, particularly implicate expert analysis, and thus are not ripe for a response at this stage of the litigation. Irigo reserves all rights to further supplement its responses at an appropriate time following the substantial completion of other fact and expert discovery. Irigo also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irigo.

Subject to and without waiving the foregoing objections, and based on its present knowledge, Irigo responds that it lacks sufficient information to form a belief as to this contention.

INTERROGATORY NO. 9

If you contend that any Mitsubishi-branded color television or computer monitor sold in the United States during the Relevant Time Period contained CRTs that were not manufactured by a Defendant or alleged Co-Conspirator, please:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify the brand, model number, size and time period sold in the United States each such CRT color television or computer monitor;
- (c) Identify each Person You contend has knowledge of facts that support Your contention; and
- (d) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 9

Irigo reasserts and incorporates each of the General Objections and Objections to the

Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irico asserts that such discovery is premature given that no Irico witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all rights to further supplement its responses at an appropriate time following the substantial completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

Subject to and without waiving the foregoing objections, and based on its present knowledge, Irico responds that it lacks sufficient information to form a belief as to this contention.

INTERROGATORY NO. 10

If you contend that any Toshiba-branded color television or computer monitor sold in the United States during the Relevant Time Period contained CRTs that were not manufactured by a Defendant or alleged Co-Conspirator, please:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify the brand, model number, size and time period sold in the United States each such CRT color television or computer monitor;
- (c) Identify each Person You contend has knowledge of facts that support Your contention; and
- (d) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 10

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures.

1 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 2 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 3 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 4 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of
 5 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
 6 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all
 7 rights to further supplement its responses at an appropriate time following the substantial
 8 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent
 9 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

10 Subject to and without waiving the foregoing objections, and based on its present
 11 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
 12 contention.

13 **INTERROGATORY NO. 11**

14 If you contend that any Thomson, RCA or GE-branded color television or computer
 15 monitor sold in the United States during the Relevant Time Period contained CRTs that were not
 16 manufactured by a Defendant or alleged Co-Conspirator, please:

- 17 (a) State the facts that You rely on to support Your contention;
- 18 (b) Identify the brand, model number, size and time period sold in the United States
 19 each such CRT color television or computer monitor;
- 20 (c) Identify each Person You contend has knowledge of facts that support Your
 21 contention; and
- 22 (d) Identify each Document You contend supports Your Contention.

23 **RESPONSE TO INTERROGATORY NO. 11**

24 Irico reasserts and incorporates each of the General Objections and Objections to the
 25 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 26 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 27 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 28 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's

1 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 2 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of
 3 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
 4 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all
 5 rights to further supplement its responses at an appropriate time following the substantial
 6 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent
 7 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

8 Subject to and without waiving the foregoing objections, and based on its present
 9 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
 10 contention.

11 **INTERROGATORY NO. 12**

12 If you contend that any Philips-branded color television or computer monitor sold in the
 13 United States during the Relevant Time Period contained CRTs that were not manufactured by a
 14 Defendant or alleged Co-Conspirator, please:

- 15 (a) State the facts that You rely on to support Your contention;
- 16 (b) Identify the brand, model number, size and time period sold in the United States
 17 each such CRT color television or computer monitor;
- 18 (c) Identify each Person You contend has knowledge of facts that support Your
 19 contention; and
- 20 (d) Identify each Document You contend supports Your contention

21 **RESPONSE TO INTERROGATORY NO. 12**

22 Irico reasserts and incorporates each of the General Objections and Objections to the
 23 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 24 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 25 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 26 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 27 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 28 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of

the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all rights to further supplement its responses at an appropriate time following the substantial completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

Subject to and without waiving the foregoing objections, and based on its present knowledge, Irico responds that it lacks sufficient information to form a belief as to this contention.

INTERROGATORY NO. 13

If you contend that any LG-branded color television or computer monitor sold in the United States during the Relevant Time Period contained CRTs that were not manufactured by a Defendant or alleged Co-Conspirator, please:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify the brand, model number, size and time period sold in the United States each such CRT color television or computer monitor;
- (c) Identify each Person You contend has knowledge of facts that support Your contention; and
- (e) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 13

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of the viability of Plaintiffs' claims, but that are completely unrelated to Irigo, particularly implicate expert analysis, and thus are not ripe for a response at this stage of the litigation. Irigo reserves all

rights to further supplement its responses at an appropriate time following the substantial completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

Subject to and without waiving the foregoing objections, and based on its present knowledge, Irico responds that it lacks sufficient information to form a belief as to this contention.

INTERROGATORY NO. 14

If you contend that any Panasonic-branded color television or computer monitor sold in the United States during the Relevant Time Period contained CRTs that were not manufactured by a Defendant or alleged Co-Conspirator, please:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify the brand, model number, size and time period sold in the United States each such CRT color television or computer monitor;
- (c) Identify each Person You contend has knowledge of facts that support Your contention; and
- (d) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 14

Irico reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irico asserts that such discovery is premature given that no Irico witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all rights to further supplement its responses at an appropriate time following the substantial completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent

1 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

2 Subject to and without waiving the foregoing objections, and based on its present
3 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
4 contention.

5 **INTERROGATORY NO. 15**

6 If you contend that any NEC-branded color television or computer monitor sold in the
7 United States during the Relevant Time Period contained CRTs that were not manufactured by a
8 Defendant or alleged Co-Conspirator, please:

- 9 (a) State the facts that You rely on to support Your contention;
- 10 (b) Identify the brand, model number, size and time period sold in the United States
11 each such CRT color television or computer monitor;
- 12 (c) Identify each Person You contend has knowledge of facts that support Your
13 contention; and
- 14 (d) Identify each Document You contend supports Your contention.

15 **RESPONSE TO INTERROGATORY NO. 15**

16 Irico reasserts and incorporates each of the General Objections and Objections to the
17 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
18 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
19 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
20 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
21 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
22 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of
23 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
24 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all
25 rights to further supplement its responses at an appropriate time following the substantial
26 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent
27 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

28 Subject to and without waiving the foregoing objections, and based on its present

1 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
2 contention.

3 **INTERROGATORY NO. 16**

4 As to Your contention in the Second Defense set forth in Your Answer that Direct
5 Purchaser Plaintiffs' claims are barred because Plaintiffs have failed to allege facts sufficient to
6 support a claim under the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a:

- 7 (a) State the facts that You rely on to support Your contention;
8 (b) Identify each Person You contend has knowledge of facts that support Your
9 contention; and
10 (c) Identify each Document You contend supports Your contention; and
11 (d) Identify the damages, if any, Plaintiffs claim based on sales outside of the United
12 States

13 **RESPONSE TO INTERROGATORY NO. 16**

14 Irico reasserts and incorporates each of the General Objections and Objections to the
15 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
16 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
17 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
18 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
19 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
20 Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it calls for a legal
21 argument or legal conclusion. Irico further objects to this interrogatory to the extent that it
22 improperly tries to shift the pleading and evidentiary burden that Plaintiffs alone carry to Irico.
23 Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary
24 burden that Plaintiffs alone carry to Irico.

25 Subject to and without waiving the objections stated above, Irico contends that Plaintiffs
26 have failed to allege facts sufficient to support a claim under the Foreign Trade Antitrust
27 Improvements Act ("FTAIA"), 15 U.S.C. § 6a. At all relevant times, the North American CRT
28 market was unique and separate from other foreign markets, including China. In supporting its

claims, Plaintiffs rely on alleged meetings and communications that occurred outside the United States that discuss and relate to CRTs sold outside the United States. Plaintiffs have not established how it is entitled to any relief under FTAIA based on their purchases of either CRT products outside of the United States or their purchase of CRT products containing CRTs manufactured and/or purchased outside the United States. Irico also identifies the following evidence under FRCP 33(d): Irico Group Corporation's Amended Motion to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)), March 19, 2019; Irico Display Devices Co., Ltd.'s Amended Motion to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)), March 19, 2019; Irico Defendants' Reply in Support of Amended Motions to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)), May 2, 2019.

INTERROGATORY NO. 17

As to Your contention in the Third Defense set forth in Your Answer that Direct Purchaser Plaintiffs' claims are barred because the alleged conduct occurred outside the jurisdiction of the Court or was neither directed to nor affected persons, entities, trade or commerce in the United States, or both:

(a) State the facts that You rely on to support Your contention;

(b) Identify each Person You contend has knowledge of facts that support Your contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 17

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.

Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion. Irico further objects to this interrogatory to the extent that it improperly tries to shift the pleading and evidentiary burden that Plaintiffs alone carry to Irico.

Subject to and without waiving the objections stated above, and despite the Interrogatory's demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence has been brought in the above captioned matter that indicates that Irico manufactured, sold, or distributed CRTs in the United States during the class period. In particular, Irico will be producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14, 2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Third Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co., Ltd., March 6-8, 2019.

Irico identifies the following persons with knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

INTERROGATORY NO. 18

As to Your contention in the Eighth Defense set forth in your Answer that Irico's actions or practices were undertaken unilaterally for legitimate business reasons and in pursuit of Irico's independent interests and those of its customers:

- (a) State the facts that you rely on to support your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 18

Irico reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion.

Subject to and without waiving the objections stated above, Irigo contends that its acts or practices were undertaken unilaterally for legitimate business reasons and in pursuit of Irigo's independent interests. In addition, Irigo asserts no evidence has been brought in the above captioned matter that indicates that its actions were not undertaken unilaterally for legitimate business reasons and in pursuit of Irigo's independent interests. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Irigo relies on the following evidence to support its contention that at all times its acts or practices were undertaken unilaterally for legitimate business reasons and in pursuit of Irigo's independent interests: Reply Brief of Irigo In Support of Motion to Set Aside Default at 10-11, ECF No. 5229; Exs. A – F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF Nos. 5229-02 through -07; IRI-CRT-00010133; IRI-CRT-00010449; IRI-CRT-00010468; IRI-CRT-00026812; IRI-CRT-00030226; IRI-CRT-00030865; IRI-CRT-00031457; BMCC-CRT000002761; BMCC-CRT000002762; CHU00029175E; CHU00029179E; CHU00029259E; CHU00030067E; CHU00030777E; CHU00030941E; CHU00030973E; CHU00031018E; CHU00031032; CHU00031044E; and, CHU00031070E.

Irico identifies the following employees as having knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

INTERROGATORY NO. 19

As to Your contention in the Eighth Defense set forth in your Answer that Irico's actions and practices were not the product of any contract, combination or conspiracy with any other person or entity:

- (a) State the facts that you rely on to support your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and
- (c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 19

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion.

Subject to and without waiving the objections stated above, Irigo contends that Irigo's pricing-related conduct was compelled by the Chinese government and based on duly enacted laws and/or regulations of the People's Republic of China. Irigo relies on the following evidence to support this contention:

- The State Planning Commission and the State Economic and Trade Commission issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See Ex. A to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default*, ECF No. 5229-02.

- 1 • Notice of the State Planning Commission on Issuing the "Measures for the
2 Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial
3 Implementation)" – effective as of March 1, 1999. *See*
4 <https://law.lawtime.cn/d448076453170.html>.
- 5 • Notice of the State Planning Commission and the Ministry of Information Industry
6 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
7 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
8 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
9 Default, ECF No. 5229-03.
- 10 • Notice on submitting cost information of color TV and color tube industry issued
11 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
12 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05.
- 13 • Notice on the issuance of the average production cost of some types of color
14 picture tubes and color TV industries issued by the Ministry of Information
15 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
16 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
17 ECF No. 5229-04.
- 18 • Notice on the issuance of the average production cost of certain types of color TV
19 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
20 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
21 Default, ECF No. 5229-06.
- 22 • Notice on the issuance of the average production cost of some industries of color
23 picture tubes issued by the Ministry of Information Industry on September 14,
24 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to
25 Set Aside Default, ECF No. 5229-07.

26 Irico identifies the following employees as having knowledge regarding this Interrogatory:

27 Wang Zhaojie and Su Xiaohua.

28 **INTERROGATORY NO. 20**

1 As to Your contention in the Tenth Defense set forth in your Answer that Your acts or
 2 practices that are the subject of the complaint were cost justified or otherwise economically
 3 justified and resulted from a good faith effort to meet competition or market conditions:

4 (a) State the facts that you rely on to support your contention;

5 (b) Identify each Person you contend has knowledge of facts that
 6 support Your contention; and

7 (c) Identify each Document You contend supports Your
 8 contention.

9 **RESPONSE TO INTERROGATORY NO. 20**

10 Irico reasserts and incorporates each of the General Objections and Objections to the
 11 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 12 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 13 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 14 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 15 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 16 Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it calls for a legal
 17 argument or legal conclusion.

18 Subject to and without waiving the objections stated above, Irico contends that its acts or
 19 practices were cost justified or otherwise economically justified, and resulted from a good faith
 20 effort to meet competition or market conditions. In addition, Irico asserts no evidence has been
 21 brought in the above captioned matter that indicates any action or practice of Irico was not cost
 22 justified, otherwise economically justified, or did not result from a good faith effort to meet
 23 competition or market conditions. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure,
 24 Irico relies on the following evidence to support its contention that at all times its acts or practices
 25 were cost justified or otherwise economically justified, and resulted from a good faith effort to
 26 meet competition or market conditions: Reply Brief of Irico In Support of Motion to Set Aside
 27 Default at 10-11, ECF No. 5229; Exs. A – F to the Declaration of Stuart C. Plunkett in Support of
 28 Motion to Set Aside Default, ECF Nos. 5229-02 through -07; IRI-CRT-00010133; IRI-CRT-

00010449; IRI-CRT-00010468; IRI-CRT-00026812; IRI-CRT-00030226; IRI-CRT-00030865;
 IRI-CRT-00031457; BMCC-CRT000002761; BMCC-CRT000002762; CHU00029175E;
 CHU00029179E; CHU00029259E; CHU00030067E; CHU00030777E; CHU00030941E;
 CHU00030973E; CHU00031018E; CHU00031032; CHU00031044E; and, CHU00031070E.

Irico identifies the following employees as having knowledge regarding this Interrogatory:
 Wang Zhaojie and Su Xiaohua.

INTERROGATORY NO. 21

As to Your contention in the Eleventh Defense set forth in your Answer that Your conduct
 that is the subject of the Complaint was caused by, due to, based upon, or in response to
 directives, laws, regulations, policies, and/or acts of governments, governmental agencies and
 entities, and/or regulatory agencies, and such is non-actionable or privileged:

(a) State the facts that you rely on to support your contention;

(b) Identify each Person you contend has knowledge of facts that support Your
 contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 21

Irico reasserts and incorporates each of the General Objections and Objections to the
 Definitions and Instructions set forth above. Irco further objects that this Interrogatory is a
 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 Irco asserts that such discovery is premature given that no Irco witnesses have been deposed
 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 Cal. May 19, 2011). Irco also objects to this interrogatory on the ground that it calls for a legal
 argument or legal conclusion.

Subject to and without waiving the objections stated above, Irco contends that Irco's
 pricing-related conduct was compelled by the Chinese government and based on duly enacted
 laws and/or regulations of the People's Republic of China. Irco relies on the following evidence
 to support this contention:

- 1 • The State Planning Commission and the State Economic and Trade Commission
2 issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced
3 Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the
4 Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF
5 No. 5229-02.
- 6 • Notice of the State Planning Commission on Issuing the "Measures for the
7 Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial
8 Implementation)" – effective as of March 1, 1999. *See*
9 <https://law.lawtime.cn/d448076453170.html>.
- 10 • Notice of the State Planning Commission and the Ministry of Information Industry
11 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
12 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
13 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
14 Default, ECF No. 5229-03.
- 15 • Notice on submitting cost information of color TV and color tube industry issued
16 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
17 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05.
- 18 • Notice on the issuance of the average production cost of some types of color
19 picture tubes and color TV industries issued by the Ministry of Information
20 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
21 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
22 ECF No. 5229-04.
- 23 • Notice on the issuance of the average production cost of certain types of color TV
24 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
25 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
26 Default, ECF No. 5229-06.
- 27 • Notice on the issuance of the average production cost of some industries of color
28 picture tubes issued by the Ministry of Information Industry on September 14,

2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-07.

Irigo identifies the following employees as having knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

INTERROGATORY NO. 22

As to your contention in the Twelfth Defense set forth in your Answer that Your conduct that is the subject of the Complaint was caused by or in response to duly enacted laws and/or regulations of the People's Republic of China and is therefore protected under the foreign sovereign compulsion doctrine, the act of state doctrine, and international comity:

(a) State the facts that you rely on to support your contention;

(b) Identify each Person you contend has knowledge of facts that support Your contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 22

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion.

Subject to and without waiving the objections stated above, Irigo contends that Irigo's pricing-related conduct was compelled by the Chinese government and based on duly enacted laws and/or regulations of the People's Republic of China. Irigo relies on the following evidence to support this contention:

- The State Planning Commission and the State Economic and Trade Commission issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced

1 Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the
2 Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF
3 No. 5229-02.

- 4 • Notice of the State Planning Commission on Issuing the "Measures for the
5 Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial
6 Implementation)" – effective as of March 1, 1999. *See*
7 <https://law.lawtime.cn/d448076453170.html>.
- 8 • Notice of the State Planning Commission and the Ministry of Information Industry
9 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
10 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
11 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
12 Default, ECF No. 5229-03.
- 13 • Notice on submitting cost information of color TV and color tube industry issued
14 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
15 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05.
- 16 • Notice on the issuance of the average production cost of some types of color
17 picture tubes and color TV industries issued by the Ministry of Information
18 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
19 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
20 ECF No. 5229-04.
- 21 • Notice on the issuance of the average production cost of certain types of color TV
22 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
23 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
24 Default, ECF No. 5229-06.
- 25 • Notice on the issuance of the average production cost of some industries of color
26 picture tubes issued by the Ministry of Information Industry on September 14,
27 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to
28 Set Aside Default, ECF No. 5229-07.

1 Irico identifies the following employees as having knowledge regarding this Interrogatory:
 2 Wang Zhaojie and Su Xiaohua.

3 **INTERROGATORY NO. 23**

4 As to your contention in the Thirty-Seventh Defense set forth in your Answer that
 5 Plaintiffs' claims are barred because Plaintiffs may not recover damages based on sales outside of
 6 the United States:

- 7 (a) Identify the damages, if any, Plaintiffs claim based on sales outside of the United
 8 States;
- 9 (b) State the facts that you rely on to support your contention;
- 10 (c) Identify each Person you contend has knowledge of facts that support Your
 11 contention; and
- 12 (d) Identify each Document You contend supports Your contention

13 **RESPONSE TO INTERROGATORY NO. 23**

14 Irico reasserts and incorporates each of the General Objections and Objections to the
 15 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 16 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 17 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 18 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 19 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 20 Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it calls for a legal
 21 argument or legal conclusion.

22 Subject to and without waiving the objections stated above, Irico contends that Plaintiffs'
 23 claims are barred in whole or in part to the extent that they are based on sales outside of the
 24 United States. Irico contends that a certain unknown percentage of the CRTs contained within the
 25 CRT products that Plaintiffs purchased were purchased from other countries. This contention is
 26 based on the fact that Plaintiffs cannot identify which company manufactured the CRT within the
 27 relevant CRT products. In the absence of knowing who manufactured the CRTs within its
 28 products, Plaintiffs likewise cannot identify whether those CRTs were purchased from outside the

United States. Whether the CRTs themselves were purchased outside of the United States is relevant in determining if Plaintiffs' claims are barred because Plaintiffs alleged that they were injured on account of a price fixing conspiracy regarding CRTs as opposed to CRT products.

INTERROGATORY NO. 24

Do you contend that You purchased CRTs from other CRT manufacturers? If so:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and
- (c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 24

Irico reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo reserves all rights to further supplement its responses at an appropriate time following the substantial completion of depositions and expert discovery.

Subject to and without waiving the objections stated above, and based on its present knowledge, Irigo responds that it does not so contend.

INTERROGATORY NO. 25

Do You contend that You did not manufacture, market, sell and/or distribute CRT Products in the United States during the Class Period? If so:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and
- (d) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 25

1 Irico reasserts and incorporates each of the General Objections and Objections to the
 2 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 3 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 4 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 5 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 6 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 7 Cal. May 19, 2011). Irico reserves all rights to further supplement its responses at an appropriate
 8 time following the substantial completion of depositions and expert discovery. Irico also objects
 9 to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs
 10 alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to provide facts
 11 and evidence of events that did not take place.

12 Subject to and without waiving the objections stated above, and despite the Interrogatory's
 13 demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence
 14 has been brought in the above captioned matter that indicates that Irico manufactured, sold, or dis-
 15 tributed "CRT Products" in the United States during the class period. In particular, Irico will be
 16 producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the
 17 United States.

18 Irico is not aware of Irico ever manufacturing, marketing, selling, or distributing any
 19 CRTs or CRT Products in the United States. Irico's sole attempt at establishing a presence in the
 20 United States, through a joint venture called Irico (USA) Inc. ("Irico USA"), was a complete
 21 failure that resulted in no sales of CRTs in the United States and ended in 2001 when the
 22 company was sold without authorization by its General Manager, Liu Feng, who absconded with
 23 the profits of the sale. *See Irico's Supp. Resp. to Interrogatory No. 8 of the Direct Purchaser*
 24 *Plaintiffs' First Set of Interrogatories*, as set forth in Irico's Sixth Supp. Resps. to Direct
 25 *Purchaser Plaintiffs' First Set of Interrogatories*, dated January 7, 2022. Irico further directs
 26 Plaintiffs to the following documents: IRI-CRT-00003490.

27 Irico identifies the following persons with knowledge regarding this Interrogatory: Wang
 28 Zhaojie and Su Xiaohua.

1 Dated: February 23, 2022

BAKER BOTTS L.L.P.

2
3 /s/ John M. Taladay

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22 *Attorneys for Defendants*
23 *IRICO GROUP CORP. and*
24 *IRICO DISPLAY DEVICES CO., LTD.*

Exhibit H

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8 *Interim Lead Counsel for*
9 *Direct Purchaser Plaintiffs*

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**
14

15 IN RE: CATHODE RAY TUBE (CRT)
16 ANTITRUST LITIGATION

Master File No. 07-5944-SC

MDL No. 1917

17
18 This Document Relates To:
19 ALL DIRECT PURCHASER ACTIONS

**DIRECT PURCHASER PLAINTIFFS'
SECOND SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, plaintiffs hereby request
2 that each Defendant respond to each of the following requests for production of Documents, and
3 produce all responsive Documents for inspection and copying within 30 days.

4 Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, these Document requests are
5 continuing in nature so that if Defendants, their directors, officers, Employees, agents,
6 representatives or any person acting, or purporting to act, on behalf of any Defendant, discover any
7 Document(s) requested or required to be produced, Defendants shall make such Document(s)
8 available.

9 **DEFINITIONS**

10 As used herein, the following terms are defined as follows:

- 11 1. "All" should be construed to include the collective as well as the singular and shall
12 mean "each," "any," and "every."
- 13 2. "Any" shall be construed to mean "any and all."
- 14 3. "Communication" means without limitation, oral or written communications of any
15 kind, such as electronic communications, e-mails, facsimiles, telephone communications,
16 correspondence, exchange of written or recorded information, or face-to-face Meetings. The phrase
17 "communication between" is defined to include instances where one party addresses the other party
18 but the other party does not necessarily respond.
- 19 4. "Date" means the exact day, month and year, if ascertainable, or the best available
20 approximation, including any relationship to other known events (designate whether exact or
21 approximate).
- 22 5. "Defendant" means any company, organization, entity or person presently or
23 subsequently named as a Defendant in this litigation.
- 24 6. "Document" means without limitation, the original and all non-identical copies of all
25 items subject to discovery under Rule 34 of the Federal Rules of Civil Procedure. This definition
26 includes, without limitation, letters, correspondence, memoranda, legal pleadings, calendars, diaries,
27 travel records, summaries, records of telephone conversations, telegrams, notes, reports,
28

1 compilations, notebooks, work papers, graphs, charts, blueprints, books, pamphlets, brochures,
2 circulars, manuals, instructions, ledgers, drawings, sketches, photographs, videotapes, audiotapes,
3 film and sound reproductions, e-mails, internal or external web sites, compact discs, computer files
4 and disks, sales, advertising and promotional literature, agreements, stored recordings, minutes or
5 other records of Meetings, all written or graphic records or representations of any kind, and all
6 mechanical or electronic data, records or representations of any kind.

7 7. "Electronic Data" includes, without limitation, the following:

8 a. activity listings of electronic mail receipts and/or transmittals;
9 b. output resulting from the use of any software program, including, without
10 limitation, word processing Documents, spreadsheets, database files, charts, graphs and outlines,
11 electronic mail, AOL Instant Messenger™ (or similar program) or bulletin board programs,
12 operating systems, source code, PRF files, PRC files, batch files, ASCII files, and all miscellaneous
13 media on which they reside and regardless of whether said electronic data exists in an active file, a
14 deleted file, or file fragment;
15 c. any and all items stored on computer memories, hard disks, floppy disks, CD-
16 ROM, magnetic tape, microfiche, or in any other vehicle for digital data storage and/or transmittal,
17 such as, but not limited to, a personal digital assistant, *e.g.*, Palm Pilot, R.I.M., Blackberry, or similar
18 device, and file folder tabs, and/or containers and labels appended to, or relating to, any physical
19 storage device associated with each original and/or copy of all Documents requested herein.

20 8. "Employee" means, without limitation, any current or former officer, director,
21 executive, manager, secretary, staff member, messenger, agent or other person who is or was
22 employed by a Defendant.

23 9. "Including" is used to emphasize certain types of Documents requested and should
24 not be construed as limiting the request in any way.

25 10. "Meeting" means, without limitation, any assembly, convocation, encounter, or
26 contemporaneous presence of two or more persons for any purpose, whether planned or arranged,
27 scheduled or not.
28

11. "Or" and "and" should be construed so as to require the broadest possible response. If, for example, a request calls for information about "A or B" or "A and B," You should produce all information about A and all information about B, as well as all information about A and B collectively. In other words, "or" and "and" should be read as "and/or."

12. "Person" means, without limitation, any natural person, corporation, partnership, limited liability company, proprietorship, joint venture, association, government entity, group or other form of legal entity.

13. "Relating to," "referring to," "regarding," or "with respect to" mean, without limitation, the following concepts: discussing, describing, reflecting, dealing with, pertaining to, analyzing, evaluating, estimating, constituting, studying, surveying, projecting, assessing, recording, summarizing, criticizing, reporting, commenting, or otherwise involving, in whole or in part.

14. "CRT" means cathode ray tube(s) and "CRT Products" means products containing cathode ray tubes.

15. "You," "Your," or "Your Company" mean the responding Defendant, its predecessors, successors, subsidiaries, departments, divisions, and/or affiliates, including without limitation any organization or entity which the responding Defendant manages or controls, together with all present and former directors, officers, Employees, agents, representatives or any persons acting or purporting to act on behalf of the responding Defendant.

INSTRUCTIONS

1. Unless otherwise noted, the Relevant Time Period for these Document requests is January 1, 1995 through the present (the "Relevant Time Period"). These Document requests seek all responsive Documents created or generated during the Relevant Time Period, as well as responsive Documents created or generated outside the Relevant Time Period, but which contain information concerning the Relevant Time Period.

2. To the extent Documents responsive to any of these Document requests have already been produced to plaintiffs, there is no need to produce those Documents a second time. Instead, please provide the bates numbers of any responsive Documents already produced.

1 3. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, these Document
2 requests are continuing in nature so that if You subsequently discover or obtain possession, custody,
3 or control of any Document covered by these requests, You shall promptly make any such Document
4 available to plaintiffs.

5 4. In producing Documents and other materials, You are to furnish all Documents or
6 things in Your possession, custody or control, regardless of whether such Documents or materials
7 are possessed directly by You or Your Employees, agents, parent company(ies), subsidiaries,
8 affiliates, investigators or by Your attorneys or their Employees, agents or investigators.

9 5. Pursuant to Rule 34(b) of the Federal Rules of Civil Procedure, all Documents shall
10 be produced in the same order as they are kept or maintained by You in the ordinary course of Your
11 business. All Documents shall be produced in the file folder, envelope or other container in which
12 the Documents are kept or maintained. If for any reason the container cannot be produced, You
13 should produce copies of all labels or other identifying marks which may be present on the
14 container.

15 6. Documents shall be produced in such fashion as to identify the department, branch or
16 office in whose possession they were located and, where applicable, the natural person in whose
17 possession they were found and the business address of each Document(s) custodian(s).

18 7. Documents attached to one another should not be separated. If any portion of any
19 Document is responsive to any portion of the Document requests below, then the entire Document
20 must be produced.

21 8. If a Document once existed and subsequently has been lost, destroyed or is otherwise
22 missing, You should provide sufficient information to identify the Document and state, in writing,
23 the details, including whether the Document:

- 24 a. is lost or missing;
25 b. has been destroyed and, if so, by whom at whose request;
26 c. has been transferred or delivered, voluntarily or involuntarily, to another
27 person or entity and at whose request; and/or
28

d. has been otherwise disposed of.

9. In each instance in which a Document once existed and subsequently is lost, missing, destroyed, or otherwise disposed of, explain the circumstances surrounding the disposition of the Document, including, but not limited to:

- a. the identity of the Person or entity who last possessed the Document;
- b. the date or approximate date of the Documents disposition; and
- c. the identity of all Persons who have or had knowledge of the Document's contents.

10. If any Document responsive to any of these requests is privileged, and the Document or any portion of the Document requested is withheld based on a claim of privilege pursuant to Rule 26(b)(5) of the Federal Rules of Civil Procedure, provide a statement of the claim of privilege and all facts relied upon in support of that claim, including the following information:

- a. the reason for withholding the Document;
- b. the date of such communication;
- c. the medium of such communication;
- d. the general subject matter of such communication (such description shall not be considered a waiver of Your claimed privilege);
- e. the identity of any Document that was the subject of such communication and the present location of any such Document;
- f. the identity of the Persons involved in such communication;
- g. the identity of any Document which records, refers, or relates to such communication and present location of any such Document;
- h. the paragraph or paragraphs of these requests for production of Documents to which such information is responsive.

11. Each Document requested herein should be produced in its entirety and without deletion, redaction or excisions, except as qualified by Instruction 10 above, regardless of whether You consider the entire Document or only part of it to be relevant or responsive to these Document

requests. If You have redacted any portion of a Document, stamp the word "REDACTED" beside the redacted information on each page of the Document which You have redacted. Any redactions to Documents produced should be identified in accordance with Instruction 10 above.

12. All Documents produced in paper form should be Bates numbered sequentially, with a unique number on each page, and with a prefix identifying the party producing the Document.

13. Pursuant to Federal Rule of Civil Procedure 34(b)(1)(C), the responding party must produce any electronically stored information ("ESI") in its native format. If ESI in its native format can only be accessed by proprietary or legacy software, or is password protected, or encrypted, the responding party must meet and confer with plaintiffs' lead counsel so the receiving party shall receive all information and software necessary to access the ESI.

DOCUMENT REQUESTS

Request No. 1

Documents sufficient to show Your corporate structure or organization throughout the relevant period, including, but not limited to, departments, divisions, parents, subsidiaries, joint ventures, affiliates, or other sub-units that were engaged during any part of the relevant period in the manufacture, marketing, sale or distribution of CRT or CRT Products in the United States, including, where applicable, the percentage of any stock or other interests owned by each entity in the chain.

Request No. 2

As to each of Your divisions, subdivisions, departments, units, subsidiaries, parents, affiliates and joint ventures, Documents sufficient to identify each executive or Employee with managerial authority who had responsibilities or duties with respect to each of the following:

- (a) the manufacturing or production of CRT or CRT Products;
- (b) the marketing of CRT or CRT Products;
- (c) the pricing of CRT or CRT Products;
- (d) the sale or distribution of CRT or CRT Products;
- (e) maintaining any electronic database(s), including archives, of e-mail or other electronic Documents relating to CRT or CRT Products.

Request No. 3

Documents sufficient to describe Your policies or practices with respect to the retention or destruction of Documents during the period January 1, 1991 through the present, and, if such policy or practice has been different with respect to any category of Documents or over different times, Documents sufficient to identify each such category or time period and to describe Your retention policy or practice with respect to each such category or time period.

Request No. 4

Documents sufficient to show the manner in which You have maintained records relating to CRT or CRT Products during the period January 1, 1991 through the present, including Documents sufficient to describe all electronic data processing systems, programs and outputs used to record, store, compute, analyze or retrieve electronically stored information relating to Your pricing, production, distribution, marketing or sale of CRT or CRT Products in the United States.

Request No. 5

All Documents and electronic data relating to Your sales of CRT or CRT Products during the period January 1, 1991 through the present, including, but not limited to:

- a) customer names, customer billing addresses, and customer ship-to addresses;
- b) sales terms;
- c) sales dates and shipment dates;
- d) product type, class, category, description, and respective use;
- e) sales volumes;
- f) unit price information, gross price, and actual net prices;
- g) discounts, credits, and rebates;
- h) shipping charges and terms;
- i) any other related charges; and
- j) amounts paid, dates paid, invoice numbers, and purchase order numbers.

If such data are not kept, or have not been kept, in electronic form in the ordinary course of Your business or are otherwise not available in electronic form, please produce such data in hard copy.

1 **Request No. 6**

2 All software instructions, programs, manuals, or other Documents necessary to operate,
3 run or understand any of the programs maintained on the computer-related equipment or system
4 utilized by You to maintain, gain access to or read data produced in response to Request Nos. 4-5,
5 including all record laYouts, field codes or other descriptions.

6 **Request No. 7**

7 All Documents relating to policies, methods, formulas or factors to be used in determining,
8 computing or quoting prices, including any rebates or discounts, in connection with the sale of CRT
9 or CRT Products.

10 **Request No. 8**

11 All Documents relating to any published prices for CRT or CRT Products during the period
12 January 1, 1991 through the present, including price announcements, price lists, price schedules, or
13 price changes communicated to customers in the United States.

14 **Request No. 9**

15 All Documents relating to contracts, offers or proposals for CRT or CRT Products sales
16 during the period January 1, 1991 through the present.

17 **Request No. 10**

18 Documents sufficient to identify each of Your facilities that produced CRT or CRT Products
19 from January 1, 1991 through the present, and for each such facility, all Documents relating to:

- 20 a) capacity, rated capacity, production and capacity utilization during each year of the
21 Relevant Time Period;
22 b) any proposed or actual change in the capacity to produce CRT or CRT Products;
23 c) any reason for changes in each facility's actual production of CRT or CRT Products;
24 d) the identity of all persons who had decision-making or supervisory responsibility
25 regarding CRT or CRT Products production;
26 e) each type, class, category and respective use of CRT or CRT Products produced and
27 the amounts of each produced during each month of the relevant period;
28

1 f) any production shutdowns or slowdowns of CRT or CRT Products production and
2 reasons for such shutdowns or slowdowns; and

3 g) any projected production forecasts;

4 h) any future plans to construct, joint venture or purchase fabrication plants used to
5 manufacture or produce CRT or CRT Products.

6 **Request No. 11**

7 Documents sufficient to describe the processes for producing CRT or CRT Products,
8 including but not limited to, any industry standards.

9 **Request No. 12**

10 All Documents relating to the cost of manufacturing, marketing, selling, and distributing
11 CRT or CRT Products during the period January 1, 1991 through the present.

12 **Request No. 13**

13 Documents sufficient to show Your inventory levels of CRT or CRT Products for each
14 month, quarter, calendar year or fiscal year from January 1, 1991 through the present.

15 **Request No. 14**

16 Documents sufficient to identify and quantify all swaps, trades, sales, purchases or transfers
17 of CRT or CRT Products between You and any of Your affiliates, or between You and any other
18 producer of CRT or CRT Products, and the price or any other consideration involved in every such
19 sale, swap, trade, purchase or transfer.

20 **Request No. 15**

21 All Documents relating to any relationship between prices for CRT or CRT Products and any
22 costs of producing, marketing, selling, or distributing CRT or CRT Products during the period
23 January 1, 1991 through the present.

24 **Request No. 16**

25 All of Your internal and public annual, quarterly and monthly financial statements,
26 summaries or analyses, including profit-and-loss statements and comparisons to budget that relate to
27 CRT or CRT Products.
28

Request No. 17

All business plans, planning analyses, budgets, forecasts, or sales or profit projections relating to CRT or CRT Products.

Request No. 18

Documents sufficient to show the identity of all other producers and sellers of CRT or CRT Products during any portion of the relevant period.

Request No. 19

All Documents relating to Your percentage or share of industry production, capacity, sales or shipments of CRT or CRT Products, or the percentage or share of industry production, capacity, sales or shipments of any other producer or seller of CRT or CRT Products at any time during the period January 1, 1991 through the present.

Request No. 20

All Documents showing the dollar volume or quantity of sales or shipments of CRT or CRT Products (by type or category, if available) by You or by other producers or sellers of CRT or CRT Products by month, quarter, calendar year or fiscal year during the period January 1, 1991 through the present.

Request No. 21

All Documents that compare or contrast each type, class, or category of CRT or CRT Products produced or sold by You with that of any other producer or seller of CRT or CRT Products and all Documents that relate to any industry standards regarding types, classes, or categories of CRT or CRT Products.

Request No. 22

Documents sufficient to show the regions or territories in which each type, class, or category of CRT or CRT Products are sold in the United States.

1 **Request No. 23**

2 All Documents relating to conditions of supply or demand for CRT or CRT Products,
3 including, but not limited to, any market studies or industry reports during the period January 1,
4 1991 through the present.

5 **Request No. 24**

6 All Documents relating to any contemplated, proposed, planned, pending or executed
7 purchases, sales, acquisitions, mergers, joint ventures, divestitures, transfers, spin-offs or any other
8 change in ownership of any assets, liabilities, subsidiaries, departments, units or other subdivisions
9 of Your or another company relating to production, distribution, marketing, pricing, sale or resale of
10 CRT or CRT Products during the Relevant Time Period.

11 **Request No. 25**

12 All Documents relating to any communications between You and any parent, subsidiary,
13 affiliated company, joint venturer, or partner regarding the production, pricing, marketing, sale or
14 distribution of CRT or CRT Products.

15 **Request No. 26**

16 All Documents relating to communications regarding CRT or CRT Products between or
17 among manufacturers of CRT or CRT Products, including Defendants.

18 **Request No. 27**

19 All Documents relating to any Meeting attended by You or any other Defendant or any
20 manufacturer of CRT or CRT Products during which there was any communication concerning the
21 production, marketing, pricing, distribution, inventory levels or sale of CRT or CRT Products,
22 including, but not limited to the notes of any such Meetings.

23 **Request No. 28**

24 For each of Your Employees who has or had any non-clerical responsibility for
25 recommending, reviewing, setting or approving prices, price increase announcements, bids or
26 quotes for the sale of CRT or CRT Products, or any other involvement in the marketing or sale of
27 CRT or CRT Products:
28

- 1 a. all copies of electronic and manual diaries, calendars, appointment books, "to do"
- 2 lists, day timers or appointment notes;
- 3 b. all copies of trip and travel logs, records or other supporting Documents;
- 4 c. all copies of expense reports or other supporting Documents;
- 5 d. all copies of telephone number logs, directories, notebooks, Rolodex cards or related
- 6 memoranda;
- 7 e. all bills, statements, records and supporting Documents concerning long distance or
- 8 cellular telephone calls;
- 9 f. all Documents relating to membership in any trade association or industry group; and
- 10 g. the complete personnel file for that Employee.

11 **Request No. 29**

12 Documents sufficient to show the name and address of each trade association (including
13 committees and subcommittees) relating to CRT or CRT Products of which You or any of Your
14 Employees are or have been a member, as well as Documents sufficient to show dates of
15 membership and dates of participation in committees or subcommittees.

16 **Request No. 30**

17 All Documents relating to Meetings of each trade association and each of its committees or
18 subcommittees relating to CRT or CRT Products, including all Documents relating to any such
19 Meeting attended by You and any other CRT or CRT Products manufacturer and Documents
20 sufficient to identify individuals from Your company who attended, the dates of attendance, and the
21 subject matters discussed.

22 **Request No. 31**

23 All studies, analyses, communications, presentations or other Documents that You have
24 submitted to or received from any trade association regarding CRT or CRT Products.

25 **Request No. 32**

26 All statements, announcements, disclosures or press releases issued by You or any of Your
27 competitors relating to CRT or CRT Products.
28

1 **Request No. 33**

2 All Documents relating to Your policies or practices directed toward compliance with the
3 United States antitrust laws, including any statements signed by Your Employees with pricing, sales
4 or marketing responsibility for CRT or CRT Products, acknowledging their receipt of and
5 compliance with Your antitrust compliance policy.

6 **Request No. 34**

7 All Documents relating to, prepared for, submitted to, or received from any foreign
8 governmental or legislative investigative body, including the Canadian Competition Bureau, the
9 European Commission, any agency or representative body of any foreign country, state or other
10 political subdivision, or any law enforcement agency, authority or commission in any foreign
11 country, relating to the production, sale, marketing, pricing or distribution of CRT or CRT Products.
12 This request includes all Documents relating to proffers, transcripts, notes, summaries, testimony,
13 witness statements, or responses to requests for information that You produced to any foreign
14 governmental agency or foreign grand jury, including any Documents produced as part of any plea
15 bargain negotiations or in connection with any application for or grant of amnesty.

16 **Request No. 35**

17 All Documents relating to proffers, transcripts, notes, summaries, testimony, witness
18 statements, or responses to requests for information that You produced or were seized by any foreign
19 governmental agency in Italy, Canada, the European Union, India, Hong Kong, Hungary, Thailand,
20 Malaysia, Korea, Japan, Singapore, China or Taiwan.

21 **Request No. 36**

22 Copies of all subpoenas or requests for production of Documents issued by any foreign
23 governmental or legislative investigative body referring or relating to CRT or CRT Products during
24 the relevant period.
25
26
27
28

Request No. 37

All Documents relating to, prepared for, submitted to, or received by You as a result of any investigation or research conducted either internally or by an outside entity with respect to price fixing, price manipulation or manipulation of production or capacity of CRT or CRT Products.

Request No. 38

All Documents relating to the termination, retirement, discipline, discharge or suspension of any director, officer, or Employee who had any responsibility relating to the production, manufacture, distribution, marketing, pricing or sale of CRT or CRT Products.

Request No. 39

All Documents referring to or relating to plaintiffs in this litigation.

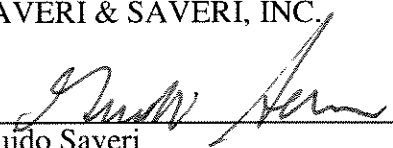
Request No. 40

All Documents that You claim would have been available to the plaintiffs or any purchaser of CRT or CRT Products prior to November 2007, which should have caused the plaintiffs or any such purchaser to investigate whether there was a conspiracy to fix, raise, maintain or stabilize the prices or to control or restrict sales of CRT or CRT Products in the United States.

DATED: March 12, 2010

Respectfully submitted,
SAVERI & SAVERI, INC.

By



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crt.250

Exhibit I

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*Interim Lead Counsel for the
Indirect Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: CATHODE RAY TUBE (CRT))	Master File No. CV-07-5944 SC
ANTITRUST LITIGATION)	
)	MDL No. 1917
)	
)	
This Document Relates To:)	INDIRECT PURCHASER PLAINTIFFS'
)	SECOND REQUEST FOR PRODUCTION
ALL INDIRECT PURCHASER ACTIONS)	OF DOCUMENTS FROM DEFENDANTS
)	
)	

PROPOUNDING PARTY: INDIRECT PURCHASER PLAINTIFFS

RESPONDING PARTY: ALL DEFENDANTS

SET NO. TWO (2)

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Indirect Purchaser Plaintiffs hereby request that each Defendant respond separately to the following requests for production of documents ("Requests"), and produce the documents specified herein, at a location agreed upon by counsel, within thirty (30) days from the date the Defendant receives these Requests.

DEFINITIONS

As used herein, the following terms have the meanings indicated below:

1. “All” should be construed to include the collective as well as the singular and shall mean “each,” “any,” and “every.”

2. “Any” shall be construed to mean “any and all.”

3. “Or” and “and” should be construed so as to require the broadest possible response. If, for example, a request calls for information about “A or B” or “A and B,” you should produce all information about A and all information about B, as well as information about A and B collectively. In other words, “or” and “and” should be read as “and/or.”

4. “Including” is used to illustrate only, and should not be construed as limiting in any way.

5. “Defendant” means any company, organization, entity or person originally, presently or subsequently named as a defendant in this litigation, as well as each such Defendant’s predecessors, successors, subsidiaries, departments, divisions and/or affiliates. “Defendant” also includes Daewoo International Corporation, Daewoo Electronics Corporation, Orion Electric Company, Daewoo-Orion Société Anonyme, Tatung Company, Panasonic Consumer Electronics Company, MT Picture Display Corporation of America (New York), MT Picture Display Corporation of America (Ohio), MT Picture Display (Malaysia) Sdn. Bhd., MT Picture Display (Thailand) Co., Ltd., PT.MT Picture Display Indonesia, Matsushita Electronic Corporation (Malaysia) Sdn. Bhd., Toshiba Display Devices (Thailand) Company, Ltd., LG.Philips Displays, Philips Consumer Electronics Co., Shenzhen SEG Hitachi Color Display Devices Co., Ltd., Thomson S.A., TCL International Holdings, Ltd., TCL Corporation, TCL-Thomson Electronics (“TTE”) Corporation, Hua Fei Colour Display Systems Company Limited, and each such Defendant’s predecessors, successors, subsidiaries, departments, divisions or affiliates.

6. “Document(s), data, and tangible things” is used in the broadest possible sense and has the meaning set forth in Federal Rule of Civil Procedure 34 including, but not limited to: writings; records; files; correspondence; reports; memoranda; calendars; diaries; minutes;

1 electronic messages; voicemail; E-mail; telephone message records or logs; computer and
2 network activity logs; hard drives; backup data; removable computer storage media such as
3 tapes, disks, and cards; printouts; document image files; Web pages; databases; spreadsheets;
4 software; books; ledgers; journals; orders; invoices; bills; vouchers; checks; statements;
5 worksheets; summaries; compilations; computations; charts; diagrams; graphic presentations;
6 drawings; films; charts; digital or chemical process photographs; video, phonographic, tape, or
7 digital recordings or transcripts thereof; drafts; jottings; and notes. Information that serves to
8 identify, locate, or link such material, such as file inventories, file folders, indices, and metadata,
9 is also included in this definition.

10 7. “All Documents” means every document and every non-identical copy known to
11 you and every such document or writing which you can locate or discover by reasonably diligent
12 efforts, including, but not limited to, all drafts of documents now in the possession, custody or
13 control of any defendant, its merged or acquired predecessors, former and present directors,
14 officers, counsel, agents, employees and/or persons acting on its behalf.

15 8. “Electronically stored information” (“ESI”) has the same full meaning as
16 construed by Fed. R. Civ. P. 26 and 34 and includes, without limitation, the following:

- 17 a. activity listings of electronic mail receipts and/or transmittals;
- 18 b. output resulting from the use of any software program, including without
19 limitation word processing documents, spreadsheets, database files, charts, graphs and outlines,
20 electronic mail, AOL Instant Messenger (or similar program) or bulletin board programs,
21 operating systems, source code, PRF files, PRC files, batch files, ASCII files, and all
22 miscellaneous media on which they reside and regardless of whether such electronic data exist
23 in an active file, deleted file, or file fragment;
- 24 c. any and all items stored on computer memories, hard disks, floppy disks,
25 CD-ROM, magnetic tape, microfiche, or on any other vehicle for digital data storage and/or
26 transmittal, including without limitation a personal digital assistant, e.g., Palm Pilot, Blackberry,
27 Treo or other device.

1 9. “You,” “your” or “your company” means the Defendant responding to these
2 Requests, its predecessors, successors, subsidiaries, departments, divisions and/or affiliates,
3 including without limitation any organization or entity which the responding Defendant
4 manages or controls, together with all present and former directors, officers, employees, agents,
5 representatives, or any persons acting or purporting to act on behalf of the responding
6 Defendant.

7 10. “Subsidiary,” “affiliate” and “joint venture” refer to any entity or person in which
8 you have any financial or ownership interest.

9 11. “Person” shall refer to natural persons, firms, joint owners, associations,
10 companies, partnerships, joint ventures, corporations, trusts, estates, agencies, departments or
11 bureaus (governmental or private), and any other form of business, governmental or juridical
12 person or legal entity.

13 12. “Employee” means, without limitation, any current or former officer, director,
14 executive, manager, secretary, messenger, agent, independent contractor or other person who is
15 or was employed by a Defendant.

16 13. “Relating to,” “referring to,” “regarding,” or “with respect to” mean without
17 limitation discussing, describing, reflecting, dealing with, pertaining to, analyzing, evaluating,
18 estimating, constituting, concerning, containing, mentioning, studying, surveying, projecting,
19 assessing, recording, summarizing, criticizing, reporting, commenting or otherwise involving, in
20 whole or in part.

21 14. “Meeting” means, without limitation, any assembly, convocation, encounter, or
22 contemporaneous presence of two or more persons for any purpose, whether planned or
23 arranged, scheduled or not.

24 15. “Communication” and “communications” are used in a comprehensive sense and
25 shall mean and include every conceivable manner or means of disclosure, transfer or exchange
26 of oral or written information (in the form of facts, ideas, inquiries or otherwise) between one or
27 more persons or entities including, but not limited to, writings, documents, inter- and intraoffice
28

1 memoranda, correspondence, meetings, conferences, conversations, and/or agreements, whether
2 face-to-face, by telephone, by mail, by telecopier, by telex, by computer or otherwise.

3 16. "Antitrust regulatory authority" means any governmental antitrust regulatory or
4 investigative entity, whether domestic or foreign, including but not limited to the United States
5 Department of Justice, European Commission, Japanese Fair Trade Commission, or Korea Fair
6 Trade Commission.

7 17. "Studies" and/or "analyses" includes all reports, memoranda, statistical
8 compilations, reviews, audits and other types of written, printed, or electronic submissions of
9 information.

10 18. "Competitor" means any Defendant and all persons other than you that
11 manufacture or sell CRTs and/or CRT Products.

12 19. "Selling," "sold," or "sale" means selling, swapping, trading, or otherwise
13 transferring.

14 20. "Price" means the price paid by a third party or the internal transfer price
15 recorded or otherwise used in connection with a sale to a subsidiary, department, division, or
16 affiliate.

17 21. "CRTs" means cathode ray tubes. "CRT Products" means products containing
18 CRTs, such as televisions and computer monitors.

19 **INSTRUCTIONS**

20 1. To the extent documents or ESI responsive to any of these Requests have already
21 been produced to Plaintiffs, there is no need to produce those documents a second time. Instead,
22 please provide the Bates numbers of any responsive documents already produced.

23 2. This document request calls for the production of all responsive documents and
24 ESI in your possession, custody or control without regard to the physical location of such
25 documents.

26 3. In producing documents, ESI and other materials, you must furnish all
27 documents, ESI or things in your possession, custody or control, regardless of whether such
28 documents, ESI or materials are possessed directly by you or your directors, officers, agents,

1 employees, representatives, subsidiaries, managing agents, affiliates, investigators, or by your
2 attorneys or their agents, employees, representatives or investigators.

3 4. In producing documents and ESI, you must produce the original of each
4 document requested together with all non-identical copies and drafts of that document. If the
5 original of any document cannot be located, a copy shall be provided in lieu thereof, and shall be
6 legible and bound or stapled in the same manner as the original (to the extent this is known).

7 5. Pursuant to Federal Rule of Civil Procedure 34(b), documents shall be produced
8 as they are kept in the usual course of business and shall be organized and labeled to identify
9 any file number, file name, or any other file identification system utilized by the responding
10 party, as well as the location and custodian of such records. These Requests include Plaintiffs'
11 request to physically inspect any file drawer, filing cabinet or any other storage device where
12 documents responsive to these requests are maintained at the time of the inspection of such
13 documents.

14 6. Documents attached to each other should not be separated. If any portion of any
15 document is responsive to any portion of the document requests below, then the entire document
16 must be produced.

17 7. All documents produced should be numbered sequentially, with a unique number
18 on each page, and with a prefix identifying the party producing the document.

19 8. Documents shall be produced in such fashion as to identify the department,
20 branch or office in whose possession they were located and, where applicable, the natural person
21 in whose possession they were found (*i.e.*, the document custodian) and the business address of
22 each document custodian.

23 9. Pursuant to Federal Rule of Civil Procedure 34(b)(1)(C), the responding party
24 must produce any ESI in its native format. If ESI in its native format can only be accessed by
25 proprietary or legacy software, the responding party shall receive all information and software
26 necessary to access the ESI.

1 10. If any responsive document was, but no longer is, in the possession of or subject
2 to your control, state whether it (i) is missing or lost, (ii) has been destroyed, (iii) has been
3 transferred, voluntarily or involuntarily, to others, or (iv) has been otherwise disposed of.

4 11. In each instance in which a document once existed and subsequently is lost,
5 missing, destroyed or otherwise disposed of, explain the circumstances surrounding the
6 disposition of the document, including but not limited to:

- 7 a. the identity of the person or entity who last possessed the document;
- 8 b. the date or approximate date of such disposition; and
- 9 c. the identity of all persons who have or had knowledge of the document's
10 contents.

11 12. In the event that you object to any document request on the ground of privilege or
12 work product, a statement shall be provided as to each document which includes:

- 13 a. the name of the author of the document;
- 14 b. the name of the recipient of the document;
- 15 c. the names of the persons to whom copies were sent;
- 16 d. the job title of every individual named in (a), (b), and (c) above;
- 17 e. the date the document was created, sent, and received;
- 18 f. the location of the document;
- 19 g. the custodian of the document;
- 20 h. a brief description of the nature and subject matter of the document; and
- 21 i. a statement of the privilege asserted and each and every fact or basis upon

22 which a privilege is claimed or on which the document is otherwise withheld.

23 Notwithstanding the assertion of any objection to production, if a document contains
24 non-objectionable or non-privileged matter, please produce that document, redacting that
25 portion for which the objection is asserted, provided that the identification requested in
26 paragraphs (h) and (i) above are furnished. A log itemizing each of these documents and this
27 corresponding information that forms the basis for your objection on privilege or work product
28 grounds shall be served contemporaneously with your responses to these document requests.

1 13. Each document should be produced in its entirety and without deletion, redaction
2 or excisions, except as provided by Instruction 12 above, regardless of whether you consider the
3 entire document or only part of it to be relevant or responsive to these document requests. If
4 you have redacted any portion of a document, stamp the word "REDACTED" beside the
5 redacted information on each page of the document which you have redacted. Any redactions to
6 such documents produced should be identified in accordance with Instruction 12 above.

7 14. In responding to these requests you are to include documents: (a) obtained from
8 witnesses who gave information to any antitrust regulatory authority or investigatory body; (b)
9 that constitute, or refer or relate to, summaries of testimony or other statements in connection
10 with any antitrust regulatory authority or investigatory body proceedings or investigations; or
11 (c) obtained on your behalf by counsel in preparing for testimony or interviews before any
12 antitrust regulatory authority or investigatory body.

13 15. The following requests are continuing in nature pursuant to Rule 26(e) of the
14 Federal Rules of Civil Procedure so as to require the prompt production of supplemental or
15 additional responsive documents when you become aware of such, up to and including the time
16 of trial.

17 **RELEVANT TIME PERIOD**

18 Unless otherwise stated, these Requests call for the production of all documents that
19 were generated and/or maintained during the period January 1, 1995 through the present (the
20 "Relevant Time Period"). These document requests seek all responsive documents created or
21 generated during the Relevant Time Period, as well as responsive documents created or
22 generated outside the Relevant Time Period, but which contain information concerning the
23 Relevant Time Period.

24 **DOCUMENTS TO BE PRODUCED**

25 **Request No. 1**

26 Documents sufficient to show your corporate structure or organization throughout the
27 relevant time period, including, but not limited to, departments, divisions, parents, subsidiaries,
28 joint ventures, affiliates, or other sub-units that were engaged during any part of the relevant

time period in the manufacture, marketing, pricing, sale or distribution of CRTs or CRT Products including, where applicable, the percentage of any stock or other interests owned by each entity in the chain.

Request No. 2

As to each of your divisions, subdivisions, departments, units, subsidiaries, parents, affiliates and joint ventures, documents sufficient to identify each employee having any responsibilities or duties with respect to each of the following:

- a. the manufacturing or production of CRTs or CRT Products;
- b. the marketing of CRTs or CRT Products;
- c. the pricing of CRTs or CRT Products;
- d. the sale or distribution of CRTs or CRT Products;
- e. maintaining any electronic database(s), including archives of e-mails or

other electronic documents relating to CRTs or CRT Products.

Request No. 3:

Documents sufficient to describe your policies or practices with respect to the retention or destruction of documents during the period January 1, 1991 through the present, and, if such policy or practice has been different with respect to any category of documents or over different times, documents sufficient to identify each such category or time period and to describe your retention policy or practice with respect to each such category or time period.

Request No. 4:

Documents sufficient to show the manner in which you have maintained records relating to CRTs or CRT Products during the period January 1, 1991 through the present, including documents sufficient to describe all electronic data processing systems, programs, and outputs used to record, store, compute, analyze or retrieve electronically stored information relating to your pricing, production, distribution, marketing or sale of CRTs or CRT Products in and into the United States.

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Request No. 5

All documents and electronic data relating to your sales of CRTs or CRT Products during the period January 1, 1991 through the present, including, but not limited to:

- a. customer names, customer billing addresses, and customer ship-to addresses;
- b. sales terms;
- c. sales dates and shipment dates;
- d. product type, class, category, description and respective use;
- e. sales volumes;
- f. unit price information, gross price, and actual net prices;
- g. discounts, credits and rebates;
- h. shipping charges and terms;
- i. any other related charges; and
- j. amounts paid, dates paid, invoice numbers, and purchase order numbers.

If such data are not kept, or have not been kept, in electronic form in the ordinary course of your business or are otherwise not available in electronic form, please produce such data in hard copy.

Request No. 6:

All software instructions, programs, manuals, or other documents necessary to operate, run or understand any of the programs maintained on the computer-related equipment or system utilized by you to maintain, gain access to or read data produced in response to Request Nos. 4-5, including all record layouts, field codes or other descriptions.

Request No. 7:

All documents relating to polices, methods, formulas or factors to be used in determining, computing or quoting prices, including rebates or discounts, in connection with the sale of CRTs or CRT Products.

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Request No. 8:

All documents relating to any published prices for CRTs or CRT Products during the period January 1, 1991 through the present, including price announcements, price lists, price schedules, price changes, or justifications or explanations of price changes communicated to customers in the United States.

Request No. 9:

All documents relating to contracts, offers or proposals for CRTs or CRT Products sales during the period January 1, 1991 through the present.

Request No. 10:

Documents sufficient to identify each of your facilities that produced CRTs or CRT Products from January 1, 1991 through the present and for each such facility, all documents relating to:

- a. capacity, rated capacity, production and capacity utilization during each year of the relevant time period;
- b. any proposed or actual change in the capacity to produce CRTs or CRT Products;
- c. any reason for changes in each facility's actual production of CRTs or CRT Products;
- d. the identity of all persons who had decision-making or supervisory responsibility regarding production of CRTs or CRT Products;
- e. each type, class, category and respective use of CRTs or CRT Products produced and the amounts of each produced during each month of the relevant time period;
- f. any production shutdowns or slowdowns of CRTs or CRT Products production and reasons for such shutdowns or slowdowns;
- g. any projected production forecasts; and
- h. any future plans to construct, joint venture or purchase fabrication plants used to manufacture or produce CRTs or CRT Products.

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Request No. 11:

Documents sufficient to describe the processes for producing CRTs or CRT Products, including but not limited to, any industry standards.

Request No. 12:

All documents relating to the cost of manufacturing, marketing, selling, and distributing CRTs or CRT Products during the period January 1, 1991 through the present.

Request No. 13:

Documents sufficient to show your inventory levels of CRTs or CRT Products for each month, quarter, calendar year or fiscal year from January 1, 1991 through the present.

Request No. 14:

All documents relating to sales, swaps, trades, product licensing or marketing agreements, purchases or transfers of CRTs or CRT Products between you and any of your affiliates, or between you and any other manufacturer of CRTs or CRT Products, and the price or any other consideration involved in every such sale, swap, trade, agreement, purchase or transfer.

Request No. 15:

All documents and electronic data relating to the relationship between prices for CRTs or CRT Products and costs of producing, marketing, selling, or distributing CRTs or CRT Products during the period January 1, 1991 through the present.

Request No. 16:

All of your internal and public annual, quarterly and monthly financial statements, summaries or analyses, including profit and loss statements and comparisons to budget that relate to CRTs or CRT Products.

Request No. 17:

All business plans, planning analyses, budgets, forecasts, or sales or profit projections relating to CRTs or CRT Products.

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Request No. 18:

Documents sufficient to show the identity of all other producers or sellers of CRTs or CRT Products during any portion of the relevant period.

Request No. 19:

All documents relating to your percentage or share of industry production, capacity, sales or shipments of CRTs or CRT Products, or the percentage or share of industry production, capacity, sales or shipments of any other producer or seller of CRTs or CRT Products at any time during the period January 1, 1991 through the present.

Request No. 20:

All documents showing the dollar volume or quantity of sales or shipments of CRTs or CRT Products (by type or category, if available), by you or by other producers or sellers of CRTs or CRT Products by month, quarter, calendar year or fiscal year during the period January 1, 1991 through the present.

Request No. 21:

All documents that compare or contrast each type, class or category of CRTs or CRT Products produced or sold by you with that of another producer or seller of CRTs or CRT Products and all documents that relate to any industry standards regarding types, classes or categories of CRTs or CRT Products.

Request No. 22:

Documents sufficient to show the regions or territories in which each type, class or category of CRTs or CRT Products are sold in the United States.

Request No. 23:

All documents relating to conditions of supply and demand for CRTs or CRT Products, including, but not limited to, any market studies or industry reports during the period January 1, 1991 through the present.

Request No. 24:

All documents relating to any contemplated, proposed, planned, pending or executed purchases, sales, acquisitions, mergers, joint ventures, divestitures, transfers, spin-offs or any

other change in ownership of any assets, liabilities, subsidiaries, departments, units or other subdivisions of your company relating to the production, distribution, marketing, pricing, sale or resale of CRTs or CRT Products during the relevant time period.

Request No. 25:

All documents relating to any communications between you and any parent, subsidiary, affiliated company, joint venturer, or partner regarding the production, pricing, marketing, sale or distribution of CRTs or CRT Products.

Request No. 26:

All documents relating to communications regarding CRTs or CRT Products between or among manufacturers of CRTs or CRT Products, including Defendants.

Request No. 27:

All documents relating to any meeting attended by you or any other Defendant or any manufacturer of CRTs or CRT Products during which there was any communication regarding the production, marketing, pricing, distribution, inventory levels or sale of CRTs or CRT Products, including, but not limited to the notes of any such meeting.

Request No. 28:

For each of your employees who has or had any non-clerical responsibility for recommending, reviewing, setting or approving prices, price increase announcements, bids or quotes for the sale of CRTs or CRT Products, or any other involvement in the production, marketing, sale or distribution of CRTs or CRT Products:

- a. all copies of electronic and manual diaries, calendars, appointment books, "to do" lists, day timers or appointment notes;
- b. all copies of trip and travel logs, records or other supporting documents;
- c. all copies of expense reports or other supporting documents;
- d. all copies of telephone number logs, directories, notebooks, Rolodex cards or related memoranda;
- e. all bills, statements, records and supporting documents concerning long distance or cellular telephone calls;

- 1 f. all documents relating to membership in any trade association or industry group;
2 and,
3 g. the complete personnel file for that employee.

4 **Request No. 29:**

5 Documents sufficient to show the name and address of each trade association (including
6 committees and subcommittees) relating to CRTs or CRT Products of which you or any of your
7 employees are or have been a member, as well as documents sufficient to show dates of
8 membership and dates of participation in committees or subcommittees.

9 **Request No. 30:**

10 All documents relating to meetings of each trade association and each of its committees
11 or subcommittees relating to CRTs or CRT Products, including all documents relating to any
12 such meeting attended by you and any other manufacturer CRTs or CRT Products, and all
13 documents identifying the employees from your company who attended, the dates of attendance,
14 and the subject matters discussed.

15 **Request No. 31:**

16 All studies, analyses, communications, presentations or other documents that you have
17 submitted to or received from any trade association regarding CRTs or CRT Products.

18 **Request No. 32:**

19 All statements, announcements, disclosures or press releases issued by you or any of
20 your competitors relating to CRTs or CRT Products.

21 **Request No. 33:**

22 All documents relating to your policies or practices directed toward compliance with the
23 United States antitrust laws, including any statements signed by your employees with pricing,
24 sales or marketing responsibility for CRTs or CRT Products, acknowledging their receipt of and
25 compliance with your antitrust compliance policy.

26 **Request No. 34:**

27 All documents relating to, prepared for, submitted to, or received from any foreign
28 governmental or legislative body, including the Canadian Competition Bureau, the European

Commission, the Hungarian Competition Authority, the Japanese Fair Trade Commission, the Korean Fair Trade Commission, or any agency or representative body of any foreign country, state or other political subdivision, or any law enforcement agency, authority or commission in any foreign country, relating to the production, sale, marketing, pricing or distribution of CRTs or CRT Products. This request includes all documents relating to proffers, transcripts, notes, summaries, testimony, witness statements, or responses to requests for information that you produced to any foreign governmental agency or foreign grand jury, including any documents produced as part of any plea bargain negotiations or in connection with any application for or grant of amnesty or leniency.

Request No. 35:

All documents relating to proffers, transcripts, notes, summaries, testimony, witness statements, or responses to requests for information that you produced or were seized by any foreign governmental agency in Canada, the European Union, India, Hong Kong, Hungary, Thailand, Malaysia, Indonesia, Korea, Japan, Singapore, China or Taiwan.

Request No. 36:

Copies of all subpoenas or requests for production of documents issued by any foreign governmental or legislative investigative body referring or relating to CRTs or CRT Products during the relevant period.

Request No. 37:

All documents relating to, prepared for, submitted to, or received by you as a result of any investigation or research conducted either internally or by an outside entity with respect to price fixing, price manipulation or manipulation of production or capacity of CRTs or CRT Products.

Request No. 38:

All documents relating to the termination, retirement, discipline, discharge or suspension of any director, officer, or employee who had any responsibility relating to the production, manufacture, distribution, marketing, pricing or sale of CRTs or CRT Products.

Request No. 39:

All documents referring or relating to the named plaintiffs in this litigation.

Request No. 40

All documents that you claim would have been available to the plaintiffs or any purchaser of CRTs or CRT Products prior to November 2007, which should have caused the Plaintiffs or any such purchaser to investigate whether there was a conspiracy to fix, raise, maintain or stabilize the prices or to control or restrict sales of CRTs or CRT Products in the United States.

Request No. 41:

All documents relating to any refusal by you or any other manufacturer of CRTs or CRT Products to quote or bid for business or to supply CRTs or CRT Products to a customer, or to intentionally quote a price or bid you believed or the other manufacturer believed would be higher than a quote or bid by another manufacturer or seller of CRTs or CRT Products.

Request No. 42:

All documents and electronic data that relate to the relationship between the sale price of CRT Products and the cost of CRTs and/or any other component of CRT Products.

Request No. 43:

All documents and electronic data, including, but not limited to, any studies or analyses, that reflect, refer, or relate to how the price of CRTs or CRT Products sold by you or by any of your competitors affected the prices of CRT Products resold by third parties to others including, but not limited, end-user purchasers of CRT Products such as the classes identified in the Indirect Purchaser Plaintiffs' Consolidated Amended Complaint.

Request No. 44:

All documents and electronic data, including, but not limited to, any studies or analyses that reflect, refer or relate to the extent to which original equipment manufacturers, original design manufacturers, retailers, distributors or any other entities involved in the manufacture, distribution, or resale of CRT Products, pass through the cost of CRTs or CRT Products to their respective customers.

Request No. 45:

All documents and electronic data, including, but not limited to, any studies or analyses that reflect, refer or relate to the distribution channels for CRTs or CRT Products from you to end users such as the classes identified in the Indirect Purchasers' Consolidated Amended Complaint, including, but not limited to, the specific entities in the distribution chain(s); the CRTs or CRT Products sold by these entities; and the amount of CRTs or CRT Products sold by these entities.

Request No. 46:

All documents and electronic data, including, but not limited to, any studies or analyses that reflect, refer, or relate to retail prices, resale prices, or street prices of CRTs or CRT Products.

Dated: March 25, 2010

By: /s/ Mario N. Alioto
Mario N. Alioto (56433)
Lauren C. Russell (241151)
TRUMP, ALIOTO, TRUMP & PRESCOTT,
LLP
2280 Union Street
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
malieto@tatp.com ; lauren russell@tatp.com

Interim Lead Counsel for the Indirect Purchaser Plaintiffs

PROOF OF SERVICE

I, Lauren C. Russell, declare as follows:

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the State of California, where the mailing occurs, and my business address is TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP, 2280 Union Street, San Francisco, California 94123.

On March 25, 2010, I served a true and correct copy of the following document(s):

INDIRECT PURCHASER PLAINTIFFS' SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

on the following interested parties by electronic mail:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 25, 2010, at San Francisco, California.

/s/ Lauren C. Russell

Lauren C. Russell

In Re: Cathode Ray Tubes (CRT) Antitrust Litigation, MDL 1917

Service List—Defendants’ Counsel

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---	--

Exhibit J



April 5, 2023

Certification

Welocalize Translations

TRANSLATOR'S DECLARATION:

I, **Ann Chen**, hereby declare:

That I possess advanced knowledge of the Chinese and English languages. The attached Chinese into English translation has been translated by me and to the best of my knowledge and belief, it is a true and accurate translation of the document with bates number: IRI-SU-000132.

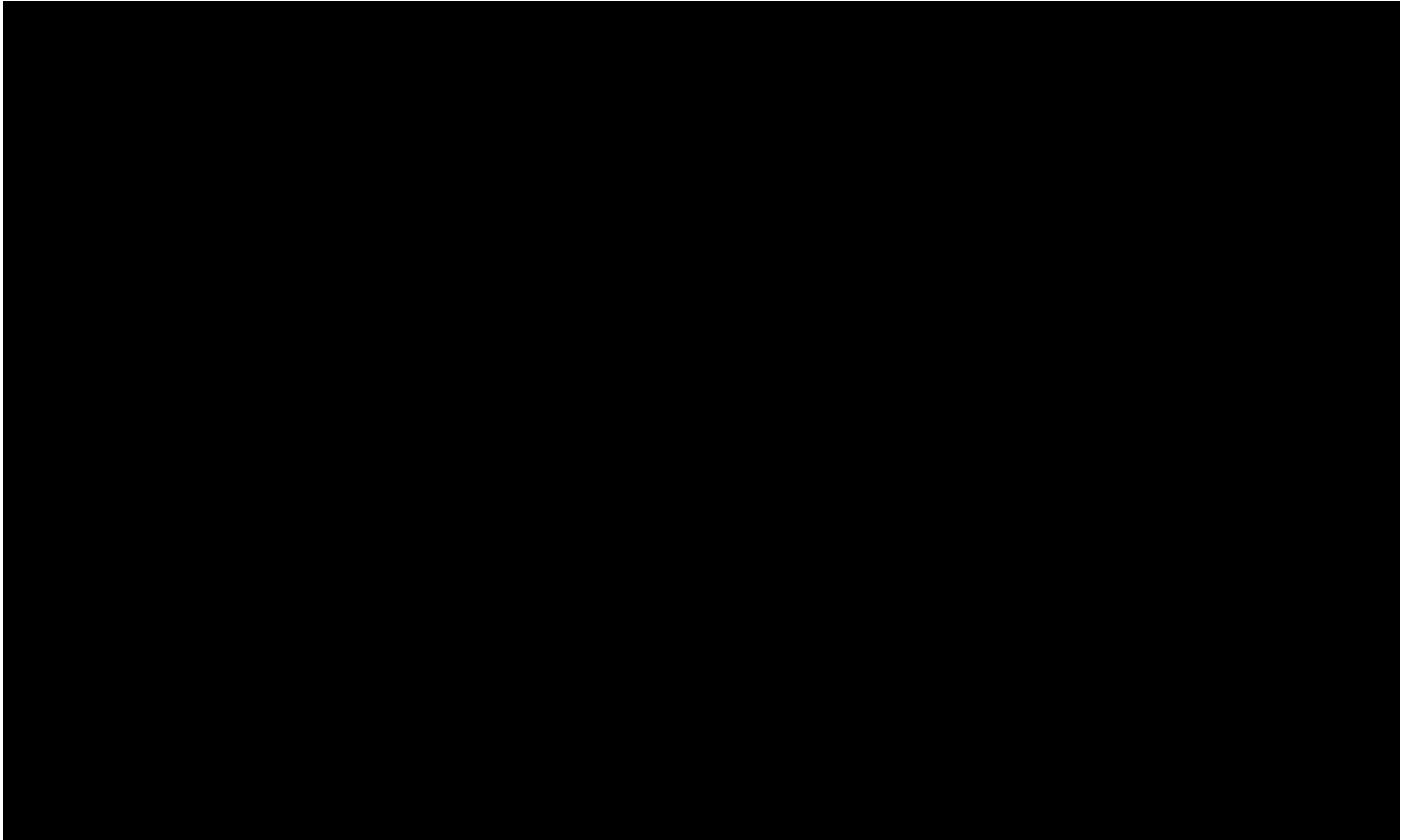
(Digital or printed signature here above the line)

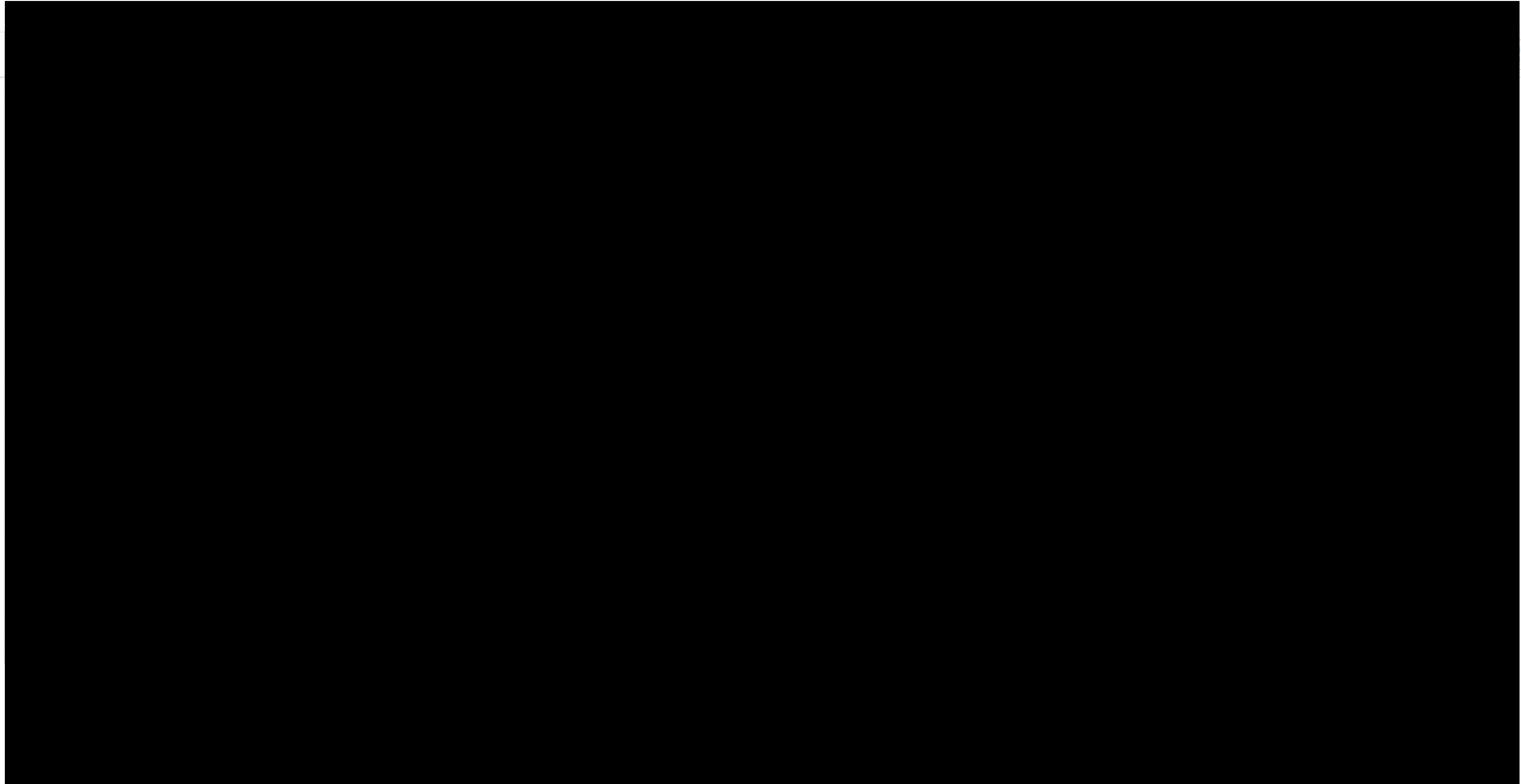
Ann Chen

Ann Chen

Project Number: BBLLP_2303_P0007

15 W. 37th Street 4th Floor
New York, NY 10018
212.581.8870





CONFIDENTIAL

IRI-SU-000132

Exhibit K



April 5, 2023

Certification

Welocalize Translations

TRANSLATOR'S DECLARATION:

I, **Ann Chen**, hereby declare:

That I possess advanced knowledge of the Chinese and English languages. The attached Chinese into English translation has been translated by me and to the best of my knowledge and belief, it is a true and accurate translation of the document with bates numbers range: IRI-SU-000103 - IRI-SU-000128.

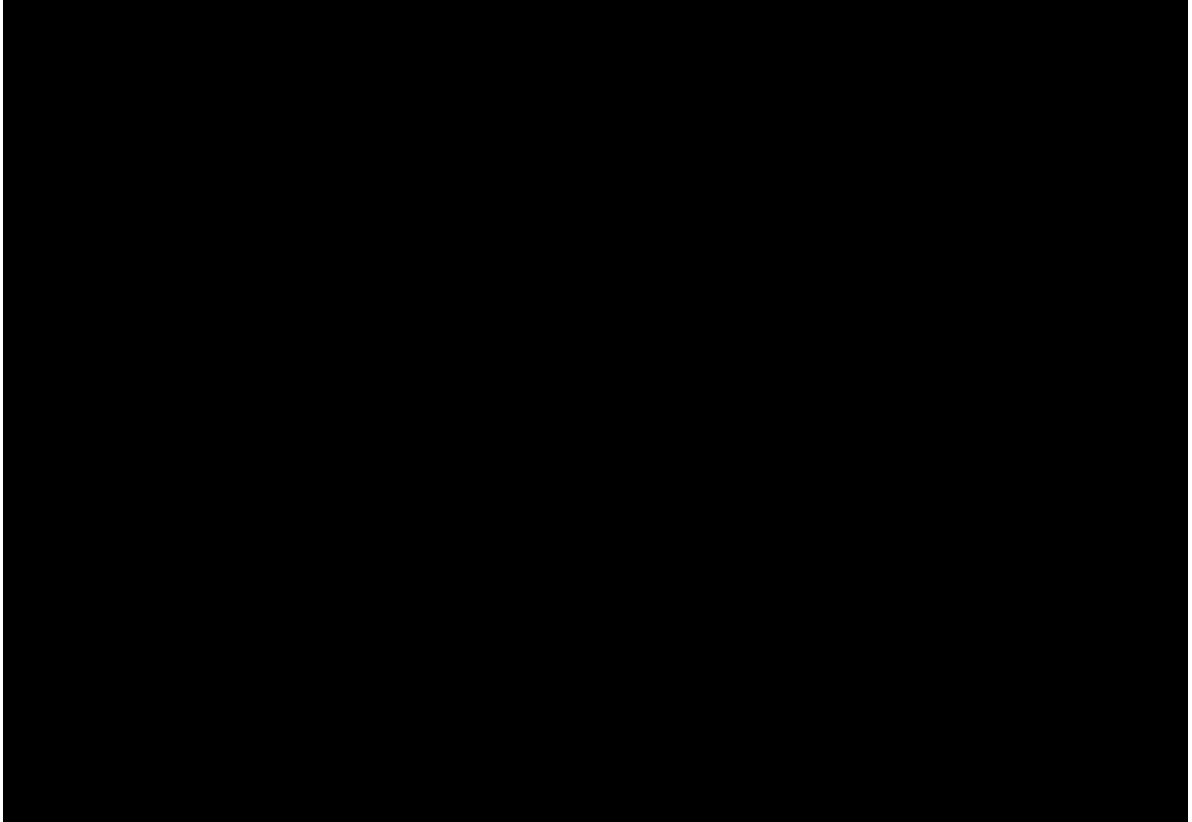
(Digital or printed signature here above the line)

Ann Chen

Ann Chen

Project Number: BBLLP_2303_P0007

15 W. 37th Street 4th Floor
New York, NY 10018
212.581.8870



CONFIDENTIAL

Translation

IRI-SU-000103E



CONFIDENTIAL

Translation

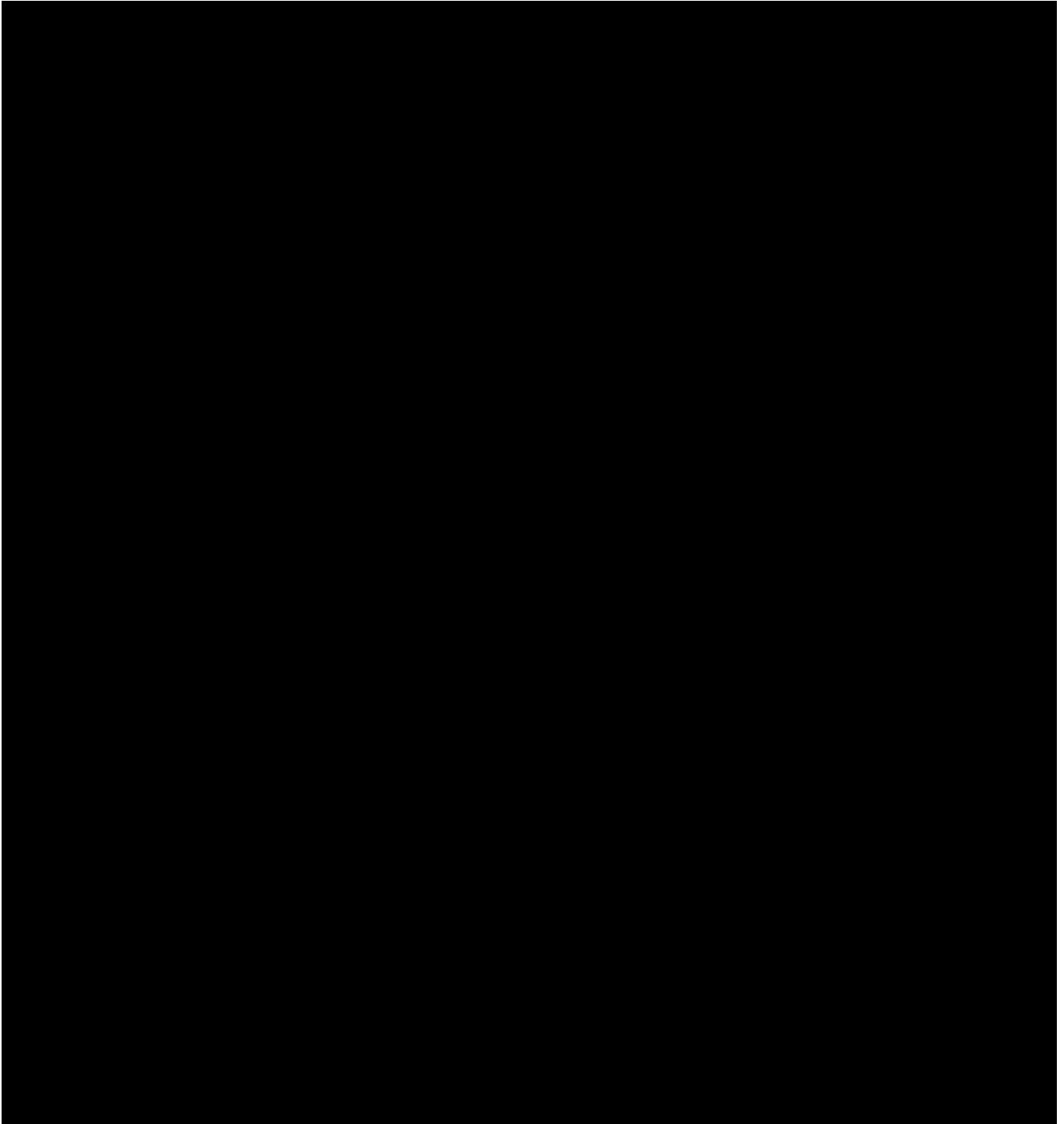
IRI-SU-000104E



CONFIDENTIAL

Translation

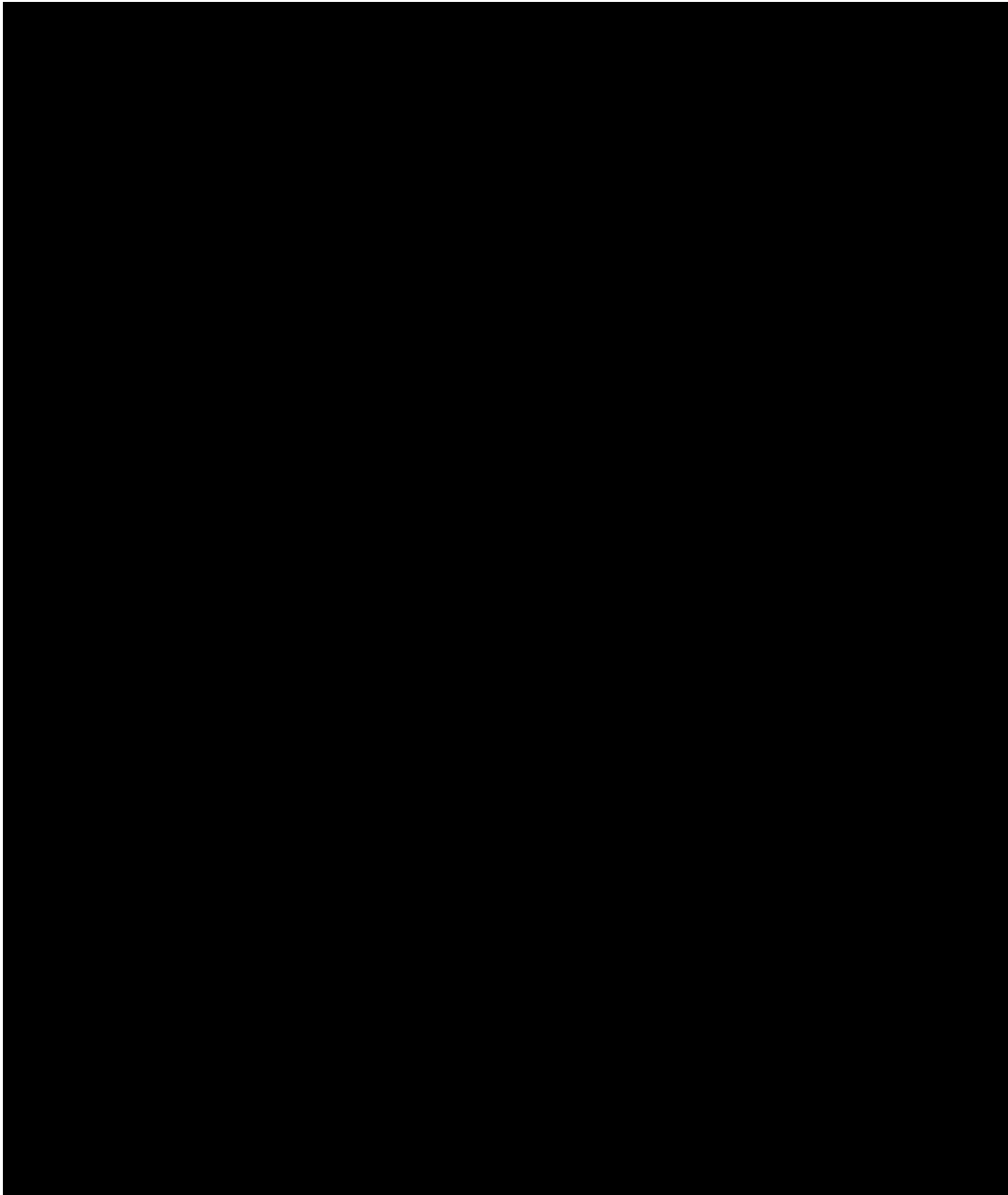
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CONFIDENTIAL

Translation

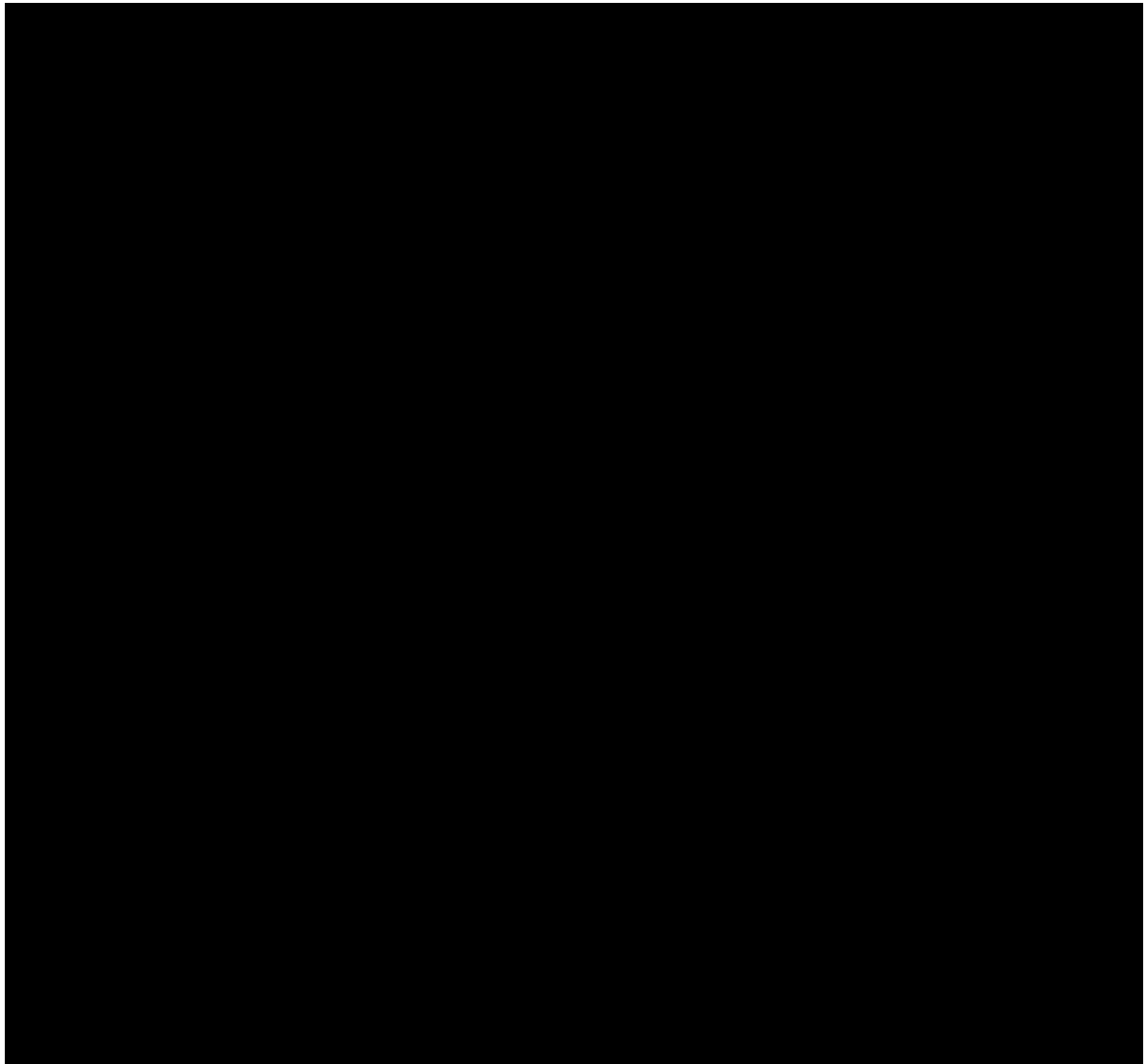
IRI-SU-000106E



CONFIDENTIAL

Translation

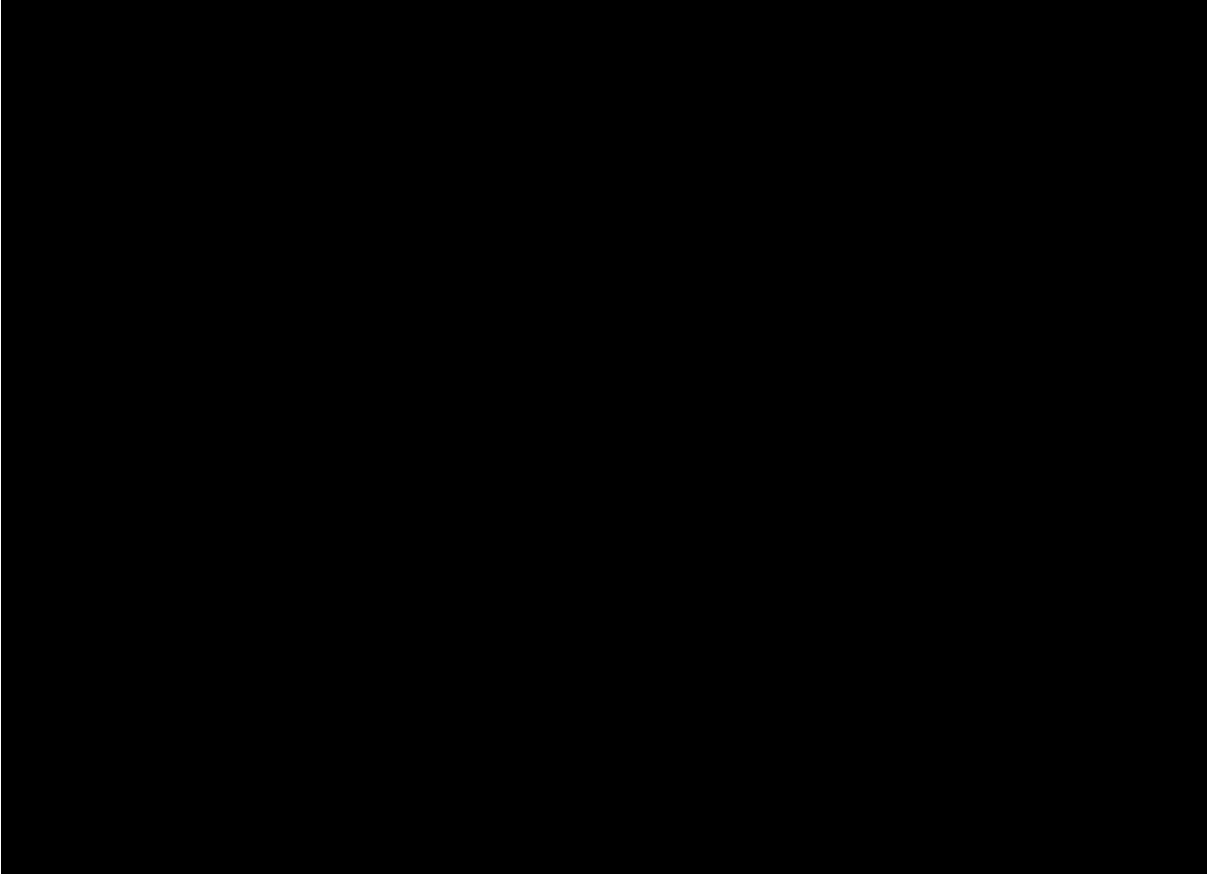
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CONFIDENTIAL

Translation

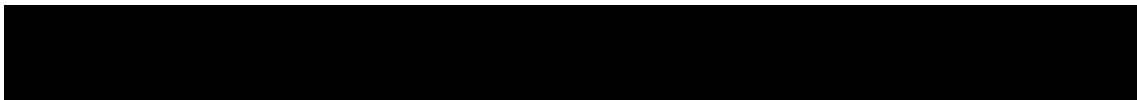
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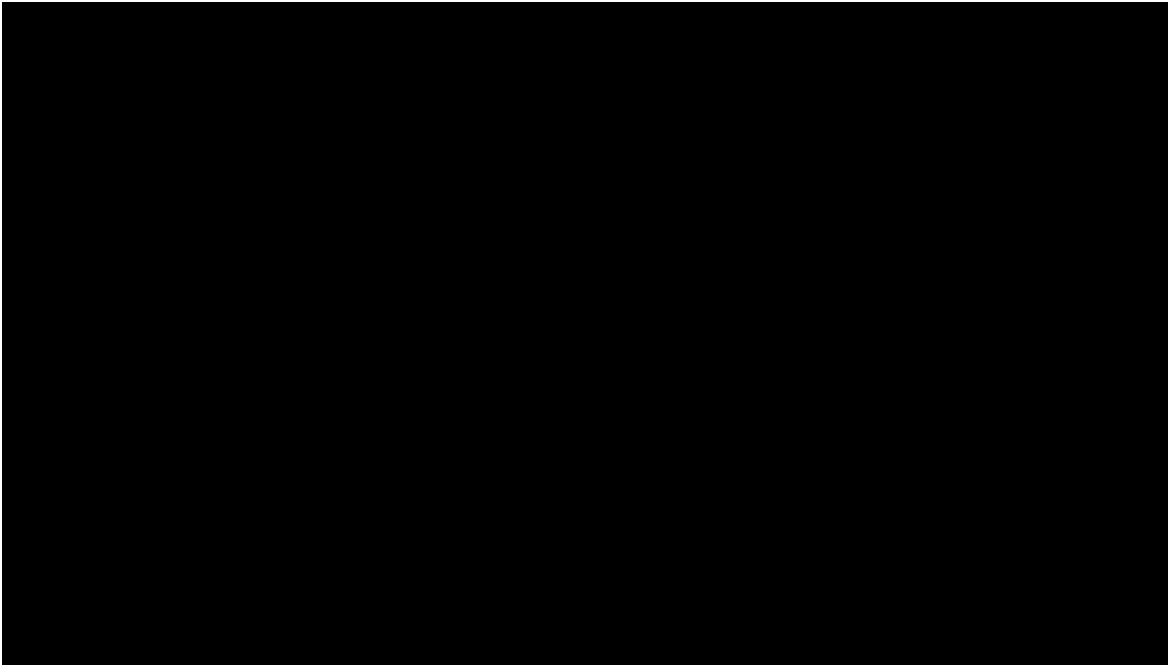


CONFIDENTIAL

Translation

IRI-SU-000109E

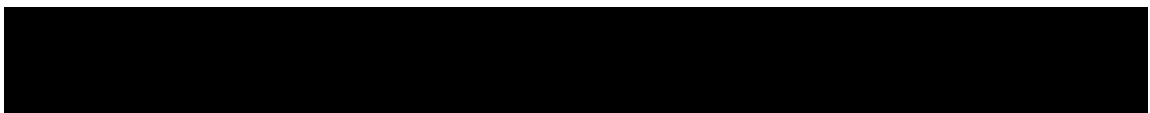




CONFIDENTIAL

Translation

IRI-SU-000110E

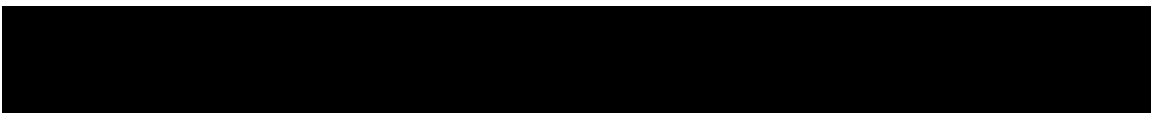


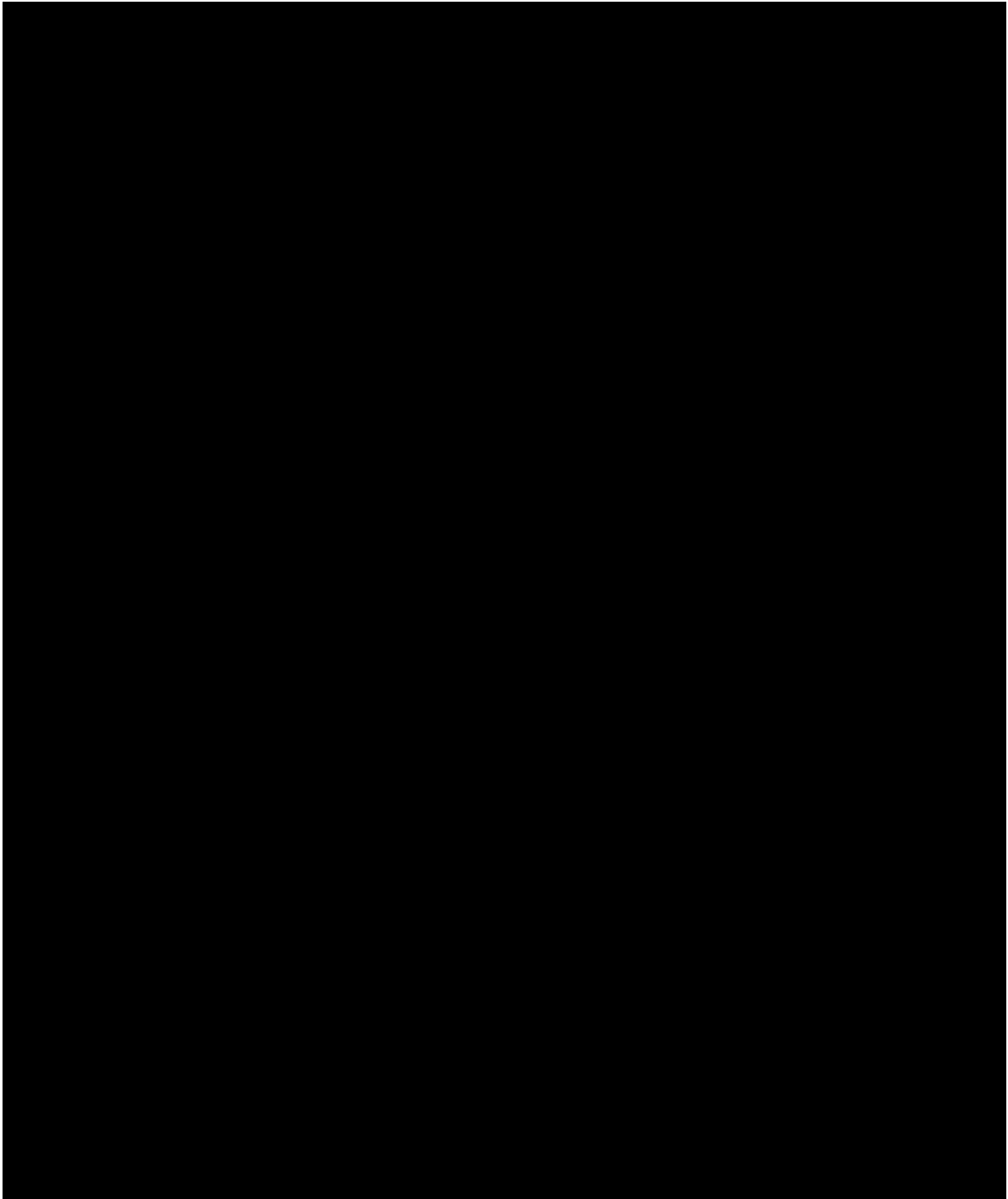


CONFIDENTIAL

Translation

IRI-SU-000111E

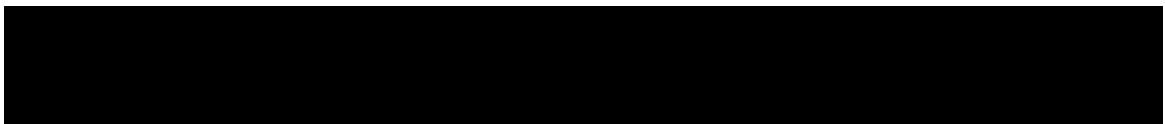




CONFIDENTIAL

Translation

IRI-SU-000112E



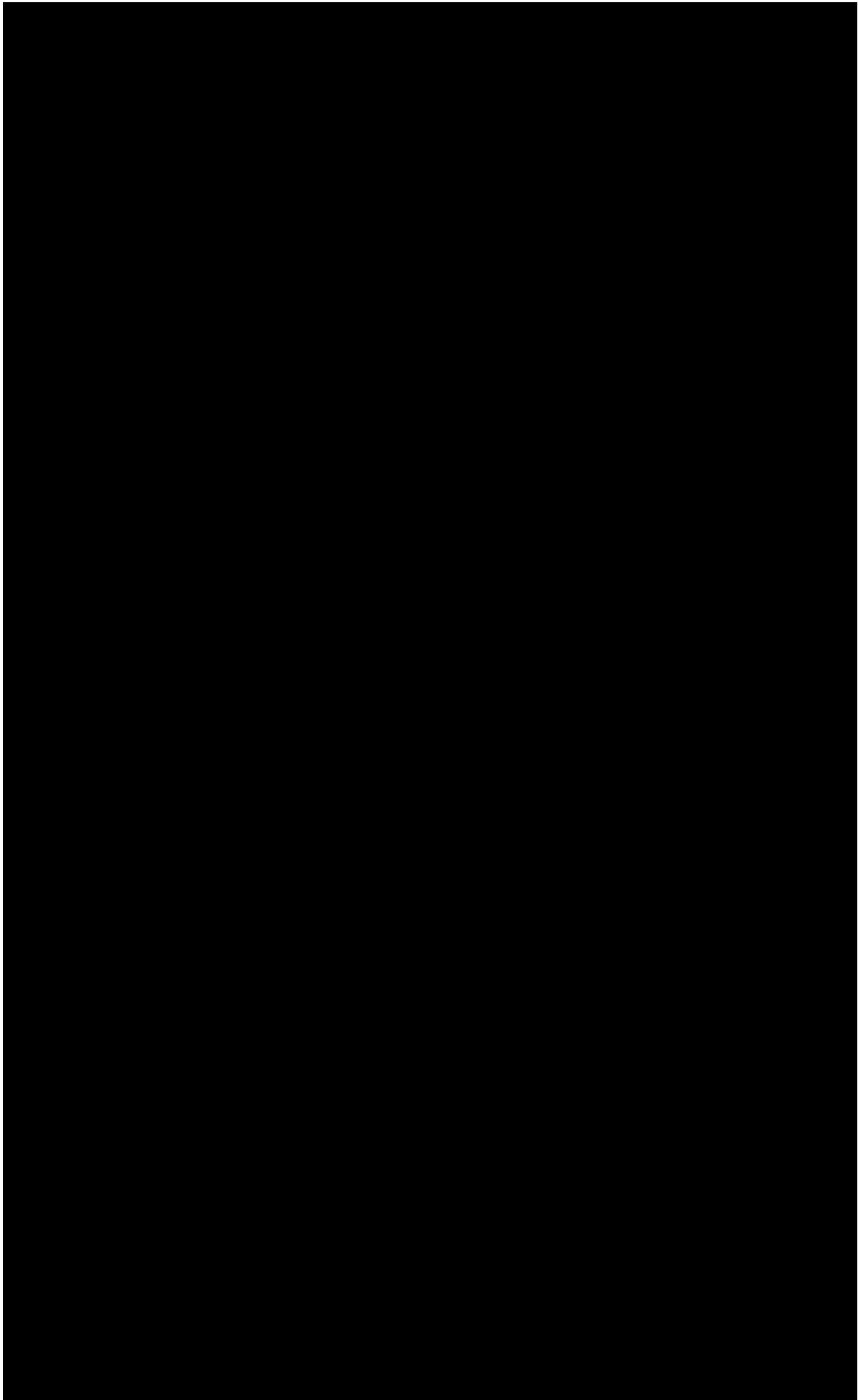


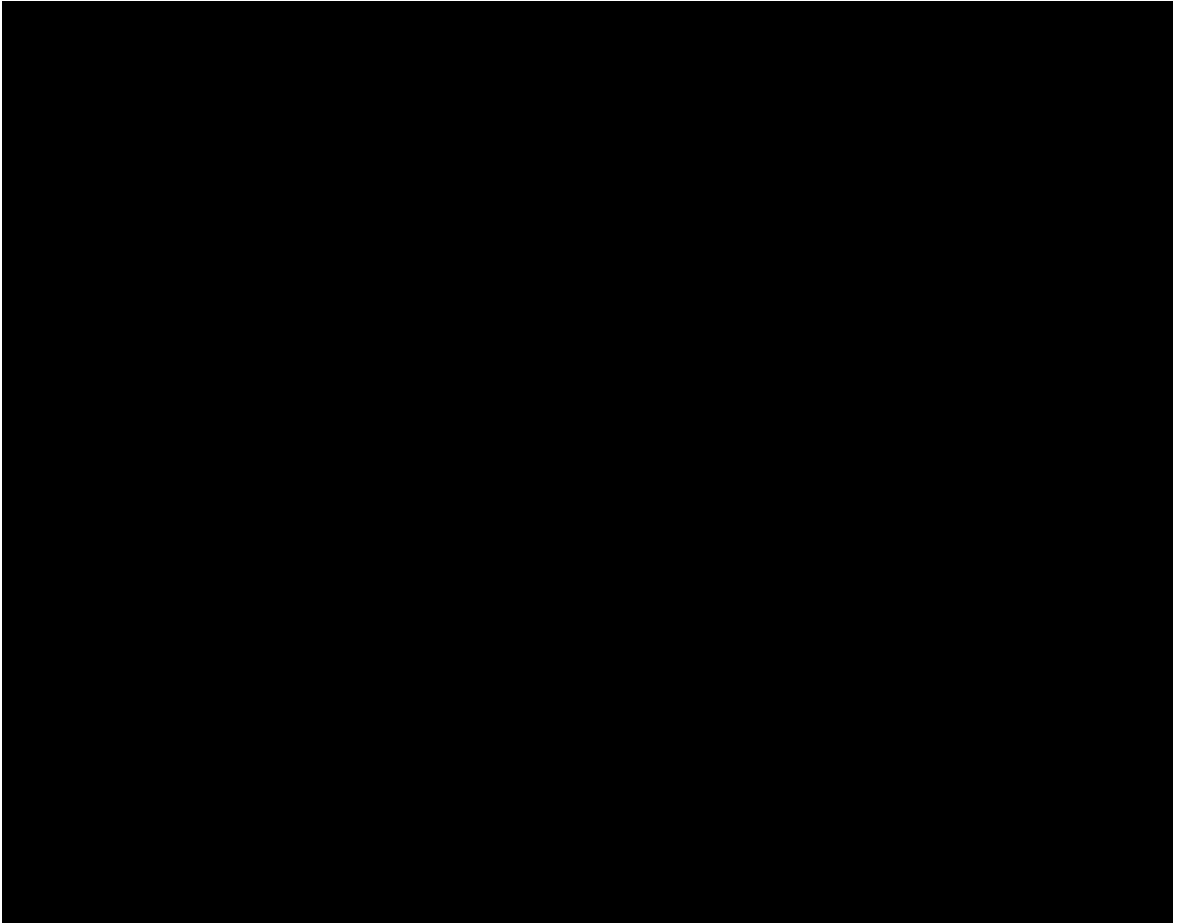
CONFIDENTIAL

Translation

IRI-SU-000113E



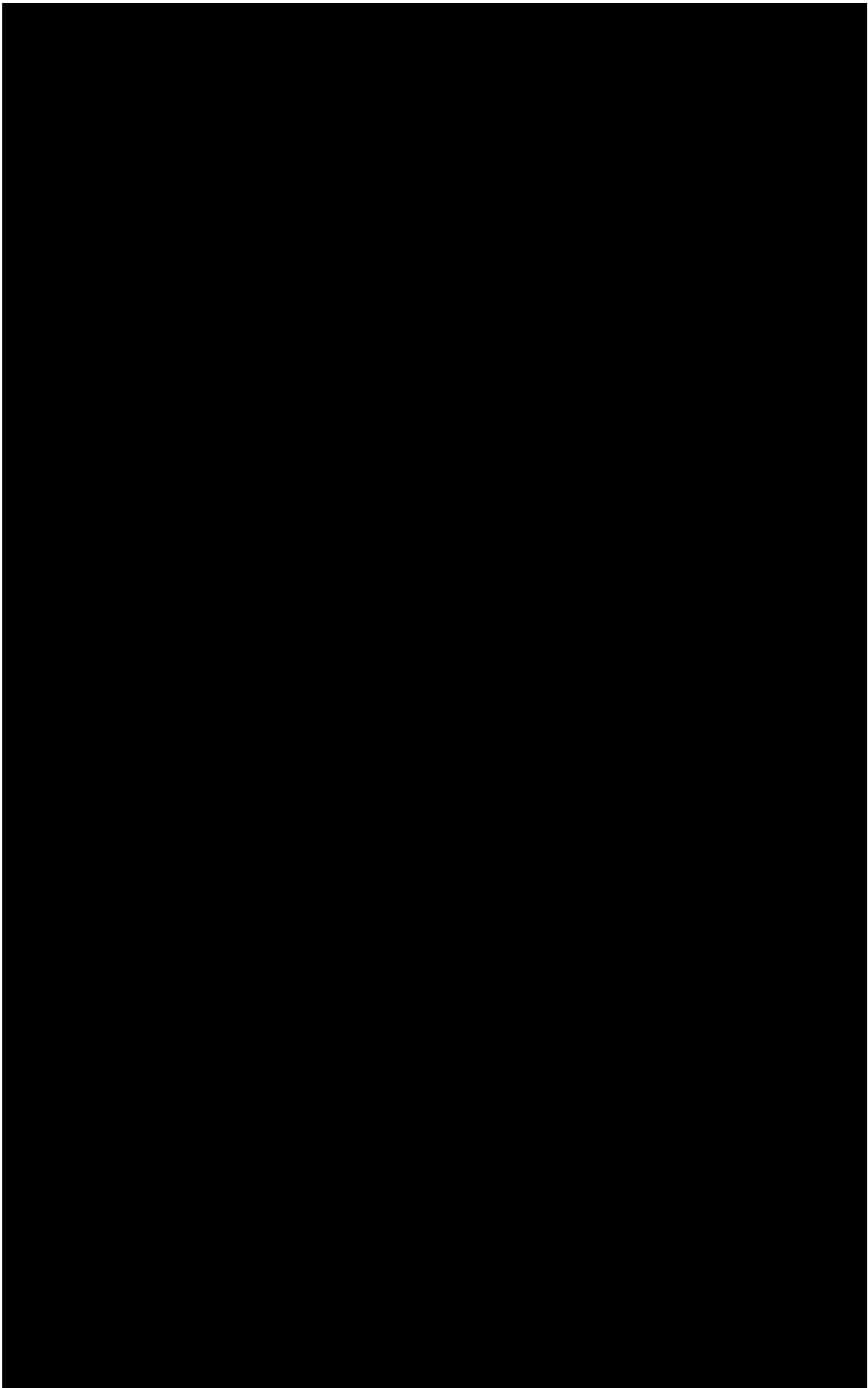




CONFIDENTIAL

Translation

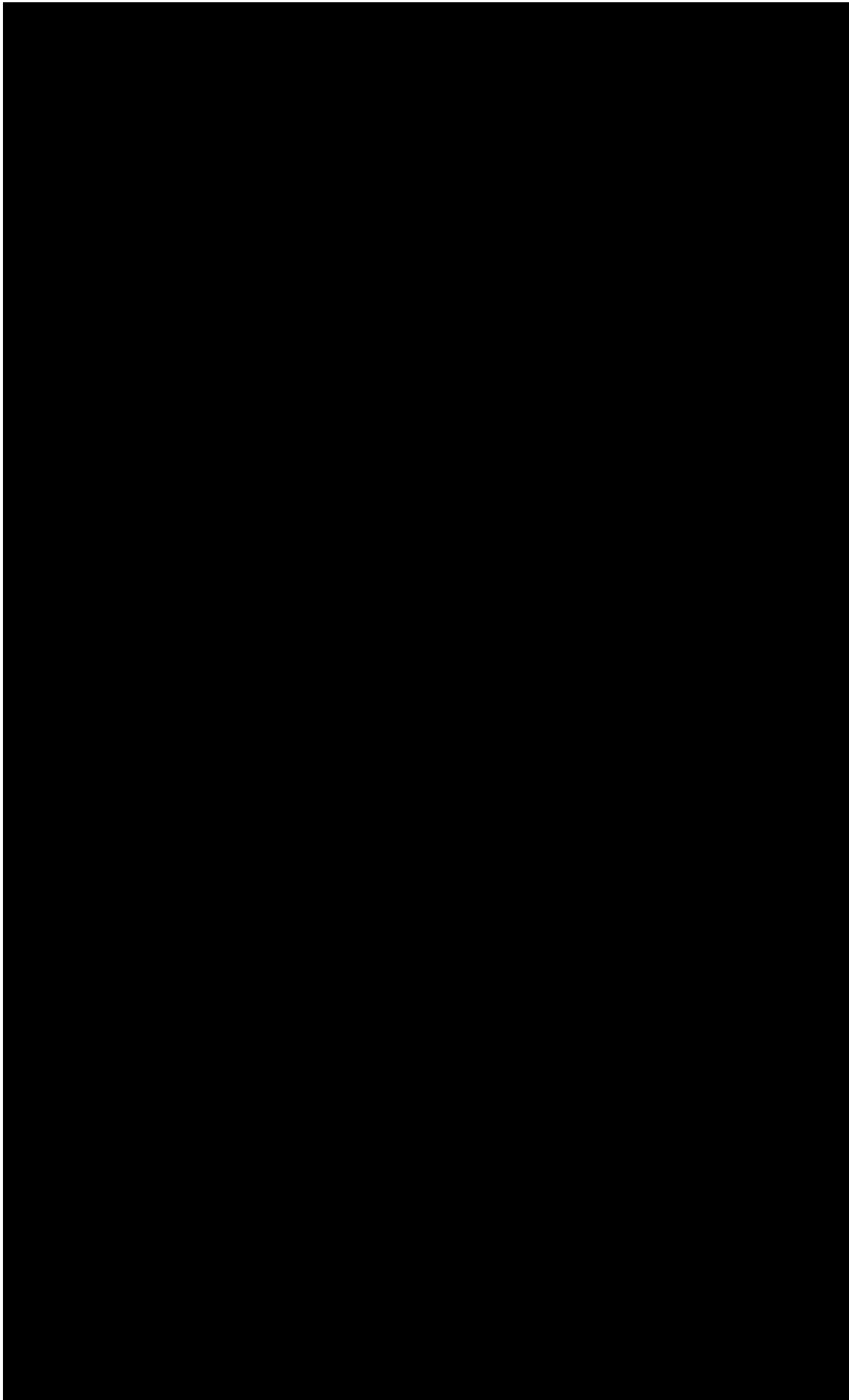
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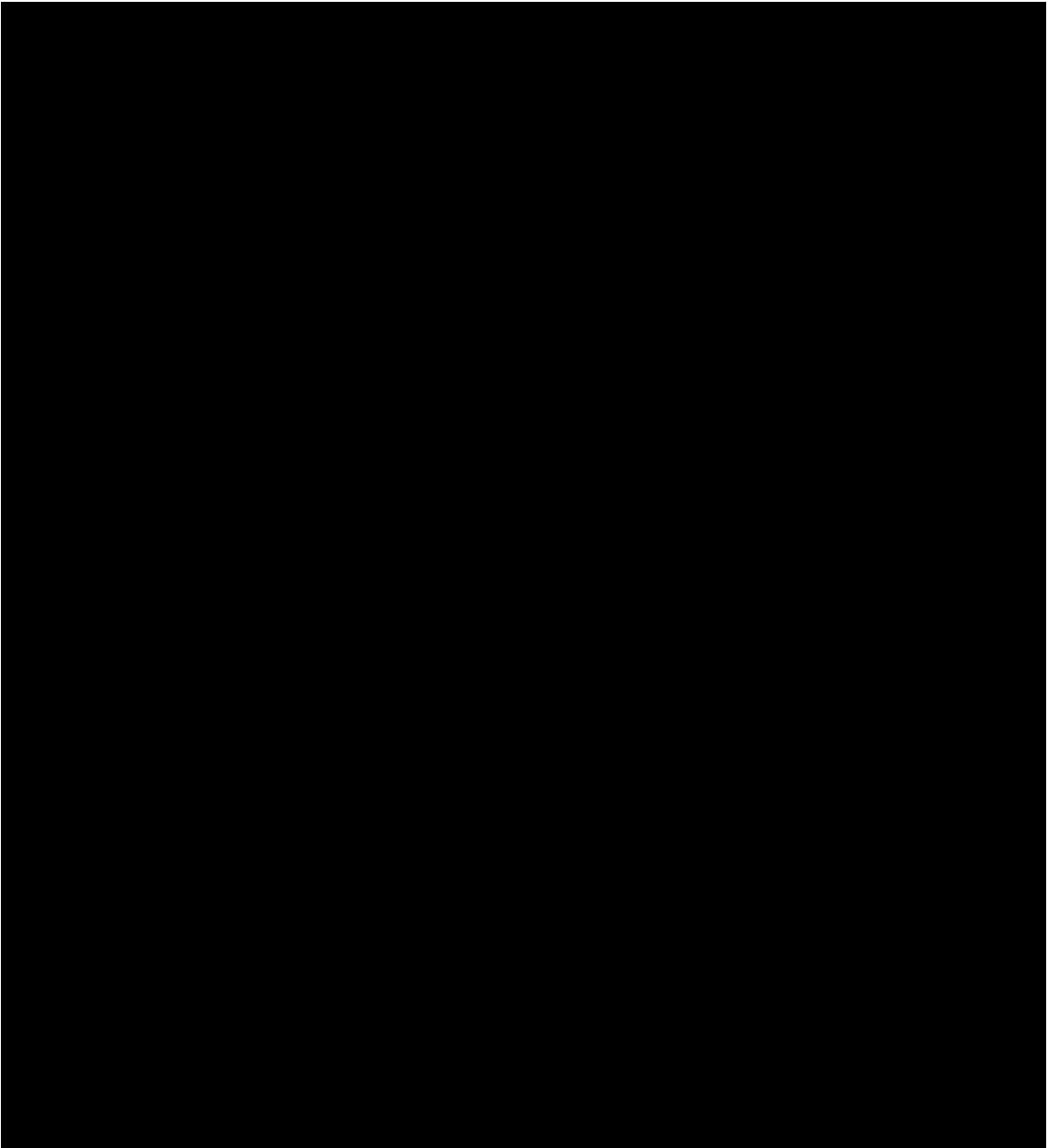


CONFIDENTIAL

Translation

IRI-SU-000115E

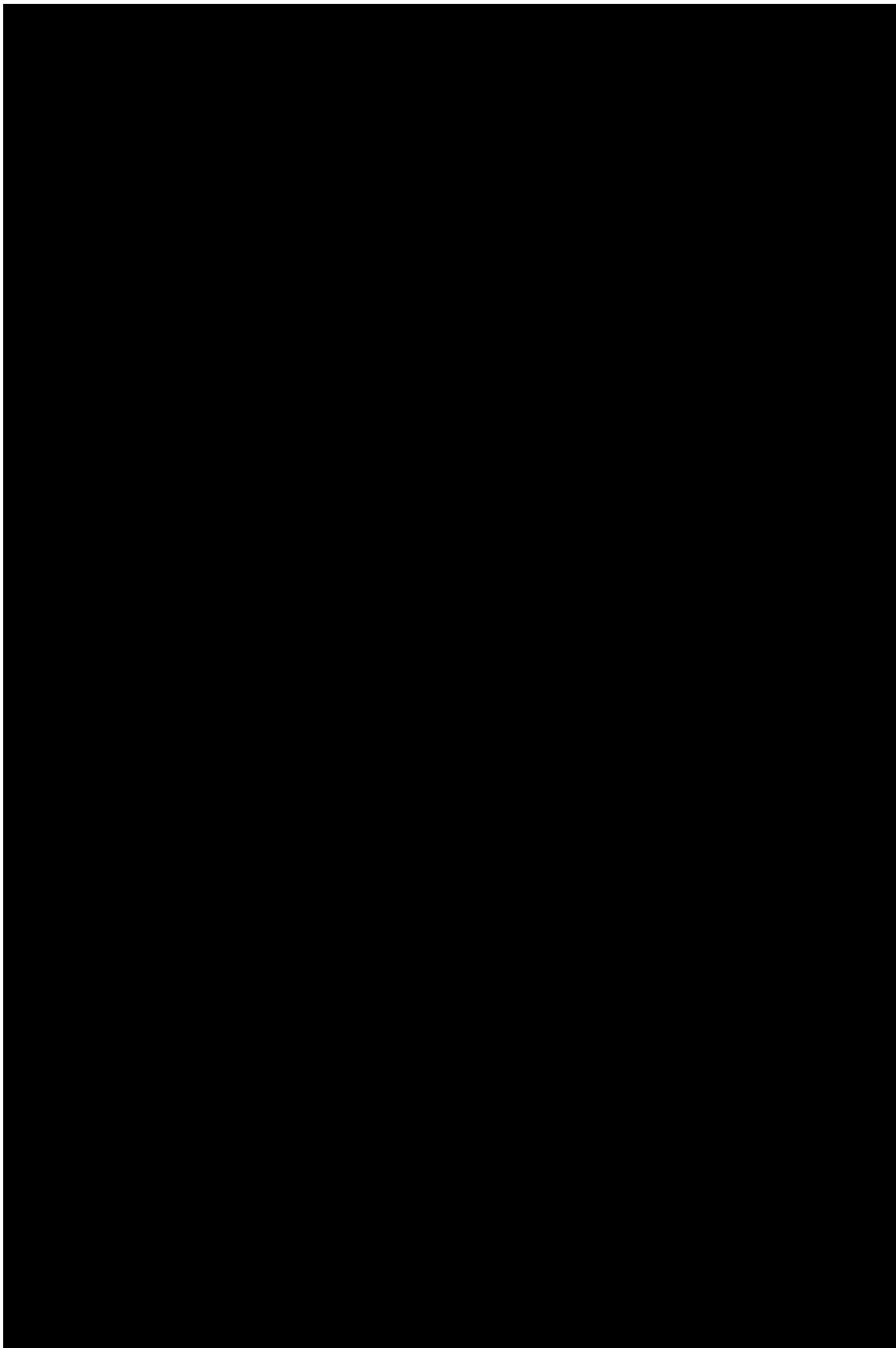




CONFIDENTIAL

Translation

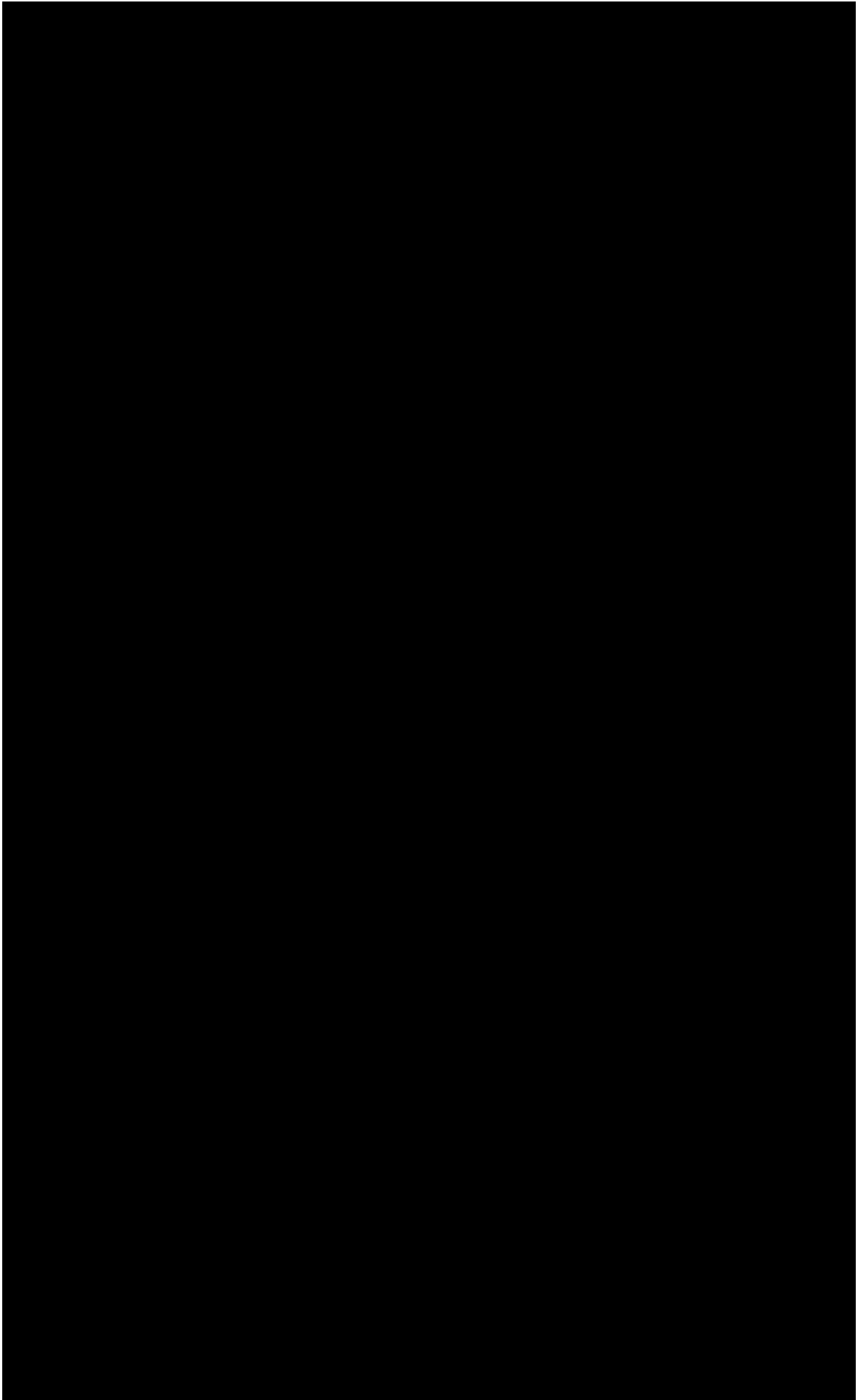
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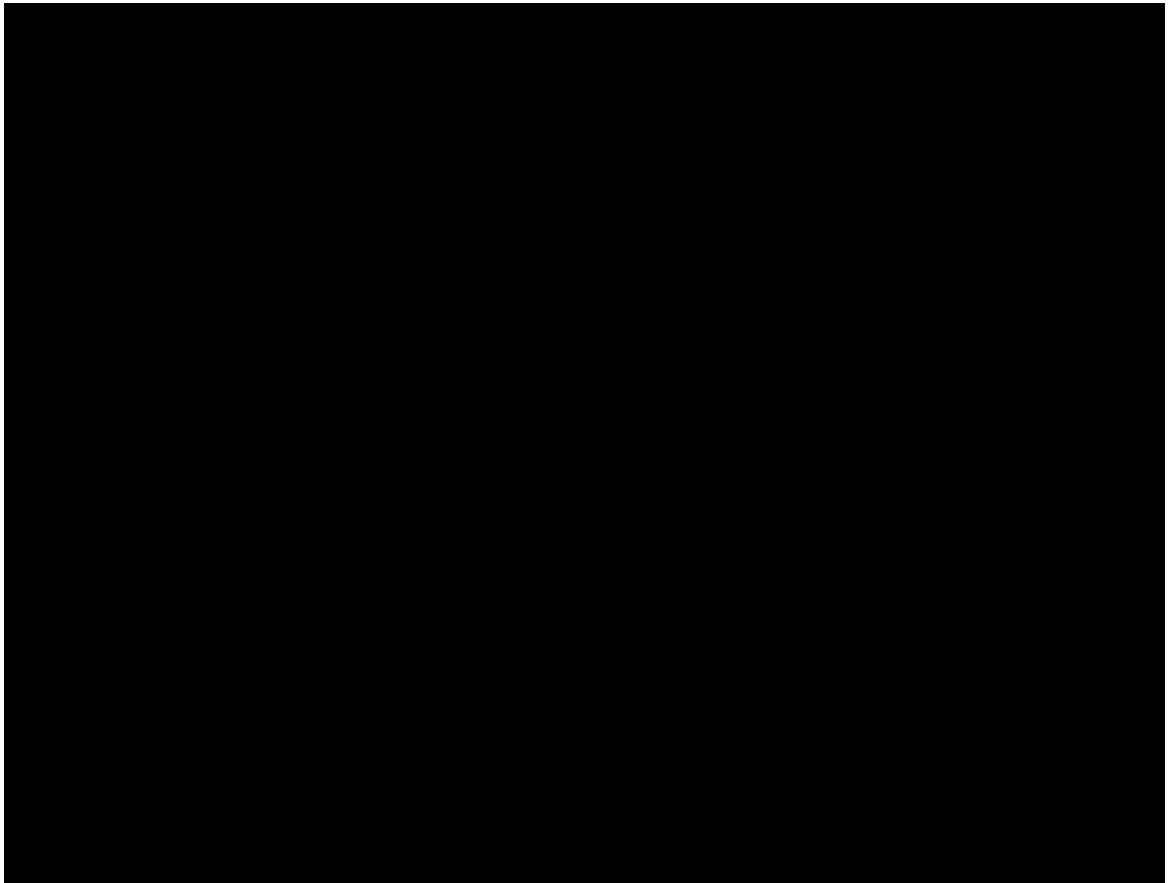


CONFIDENTIAL

Translation

IRI-SU-000117E

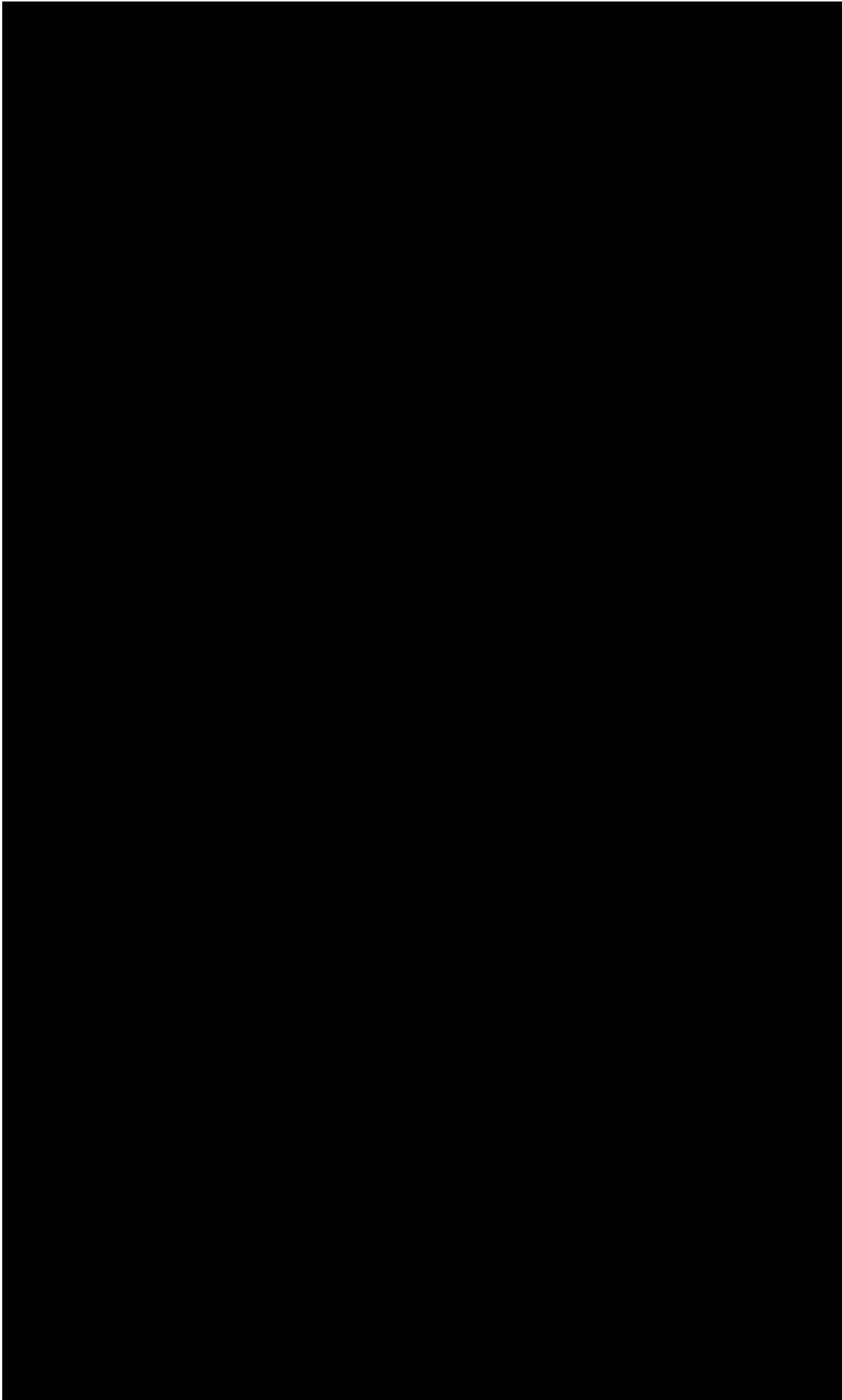


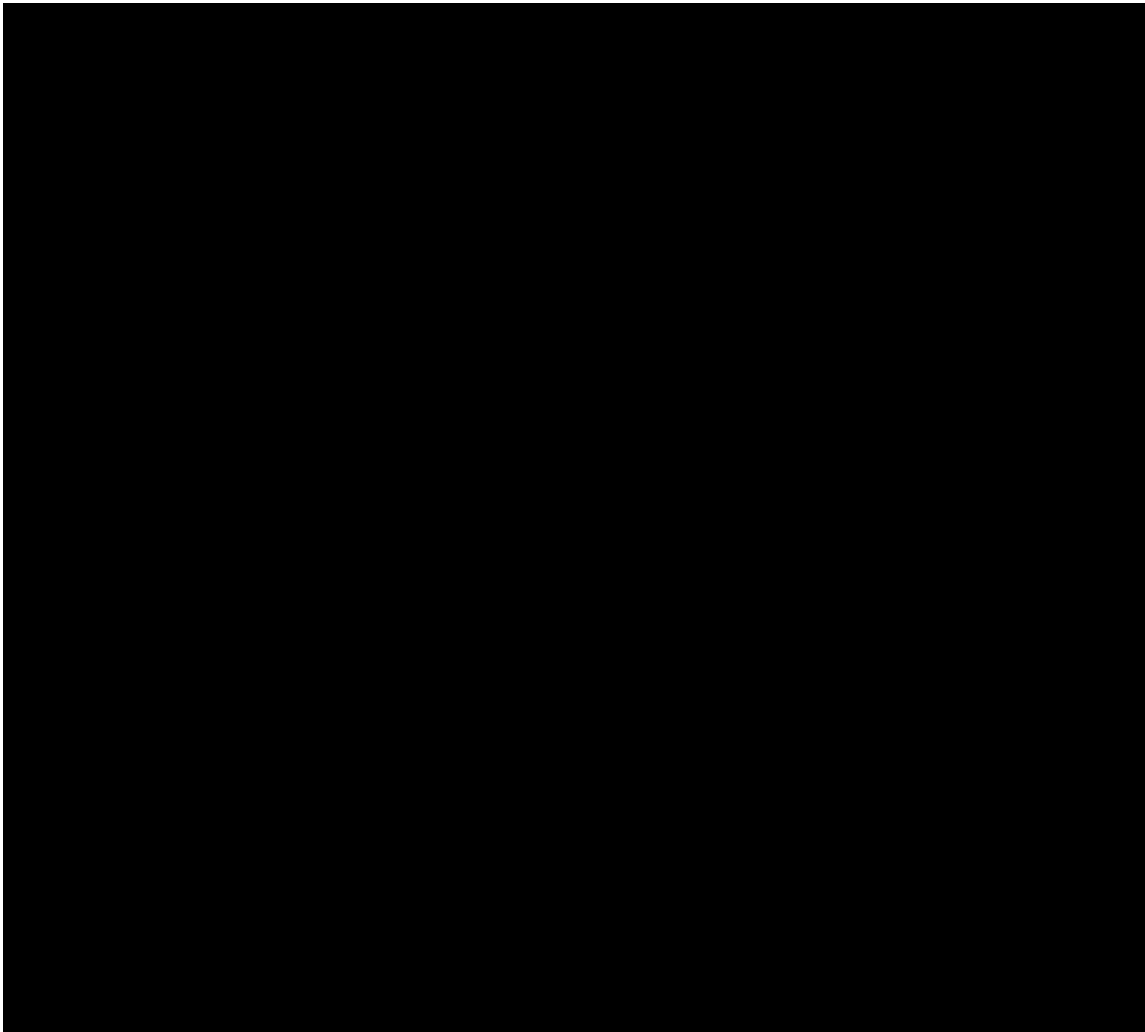


CONFIDENTIAL

Translation

IRI-SU-000118E

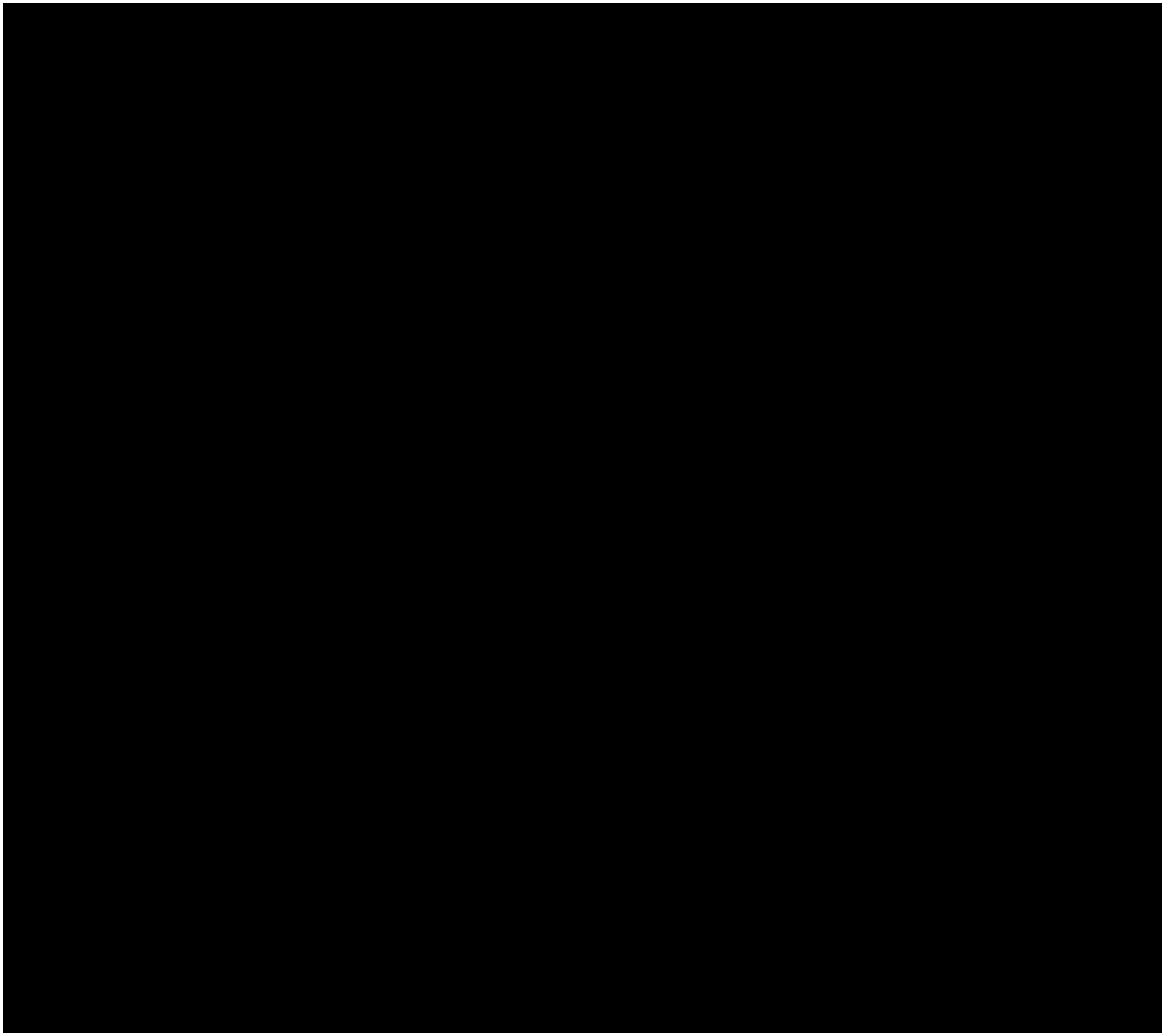




CONFIDENTIAL

Translation

IRI-SU-000119E



CONFIDENTIAL

Translation

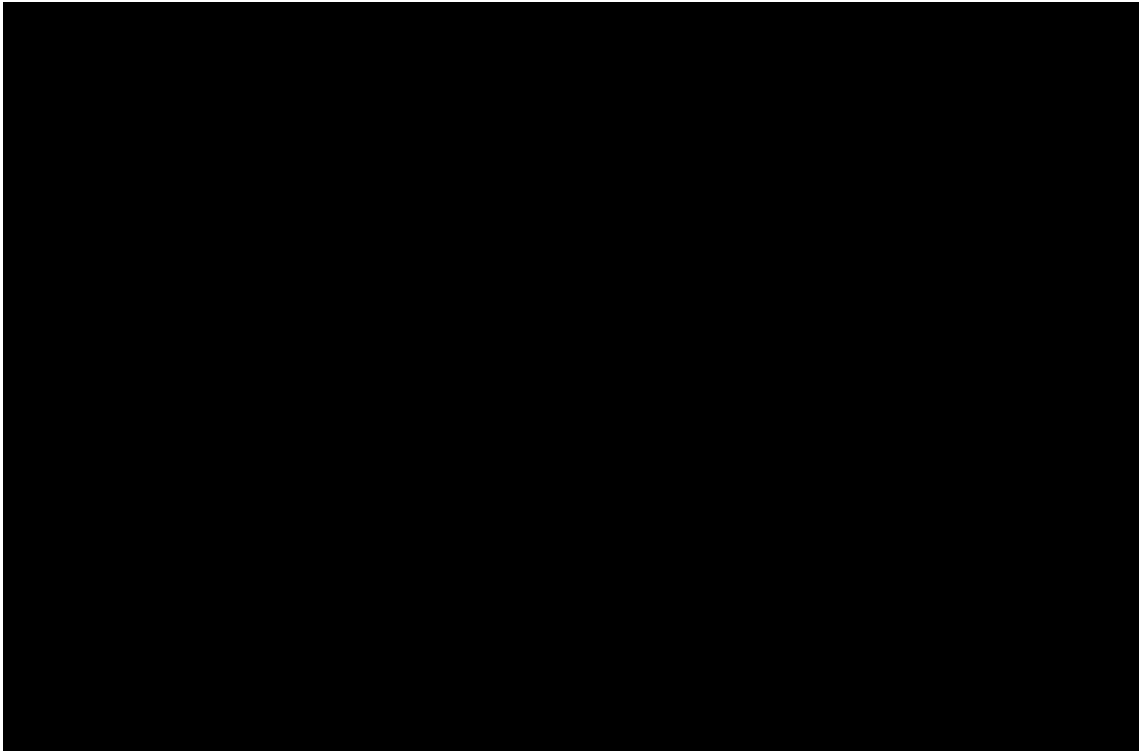
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CONFIDENTIAL

Translation

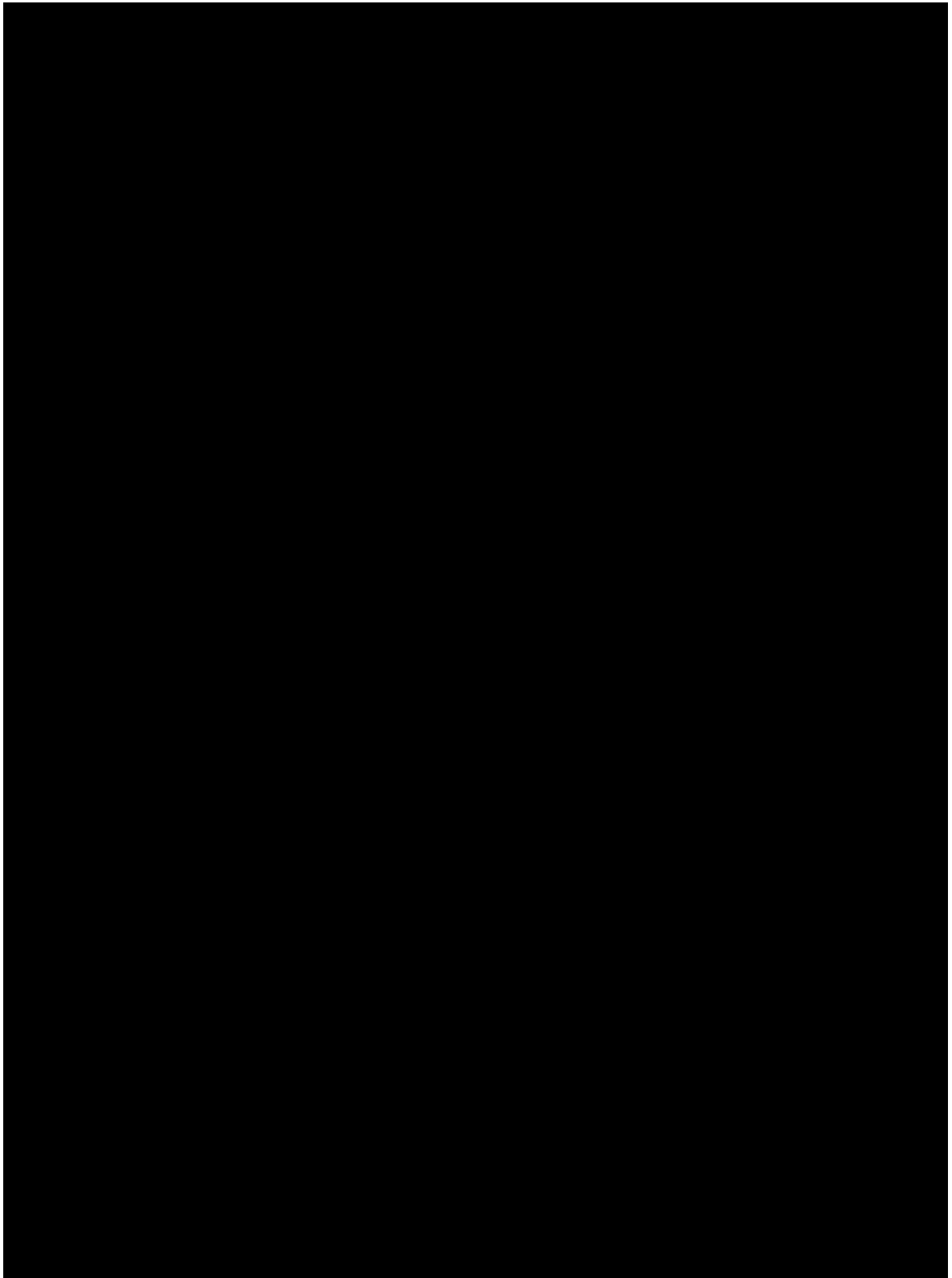
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CONFIDENTIAL

Translation

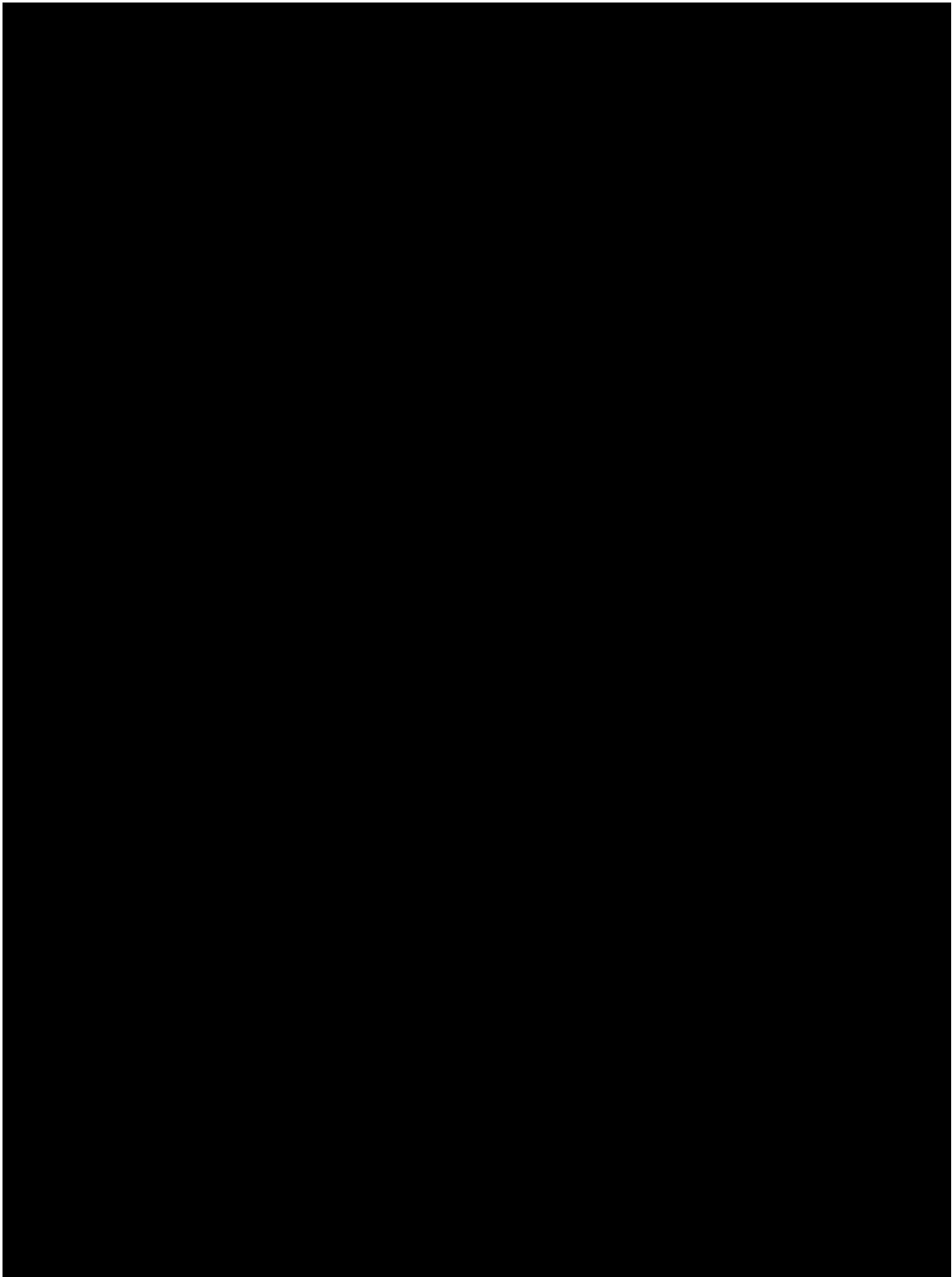
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CONFIDENTIAL

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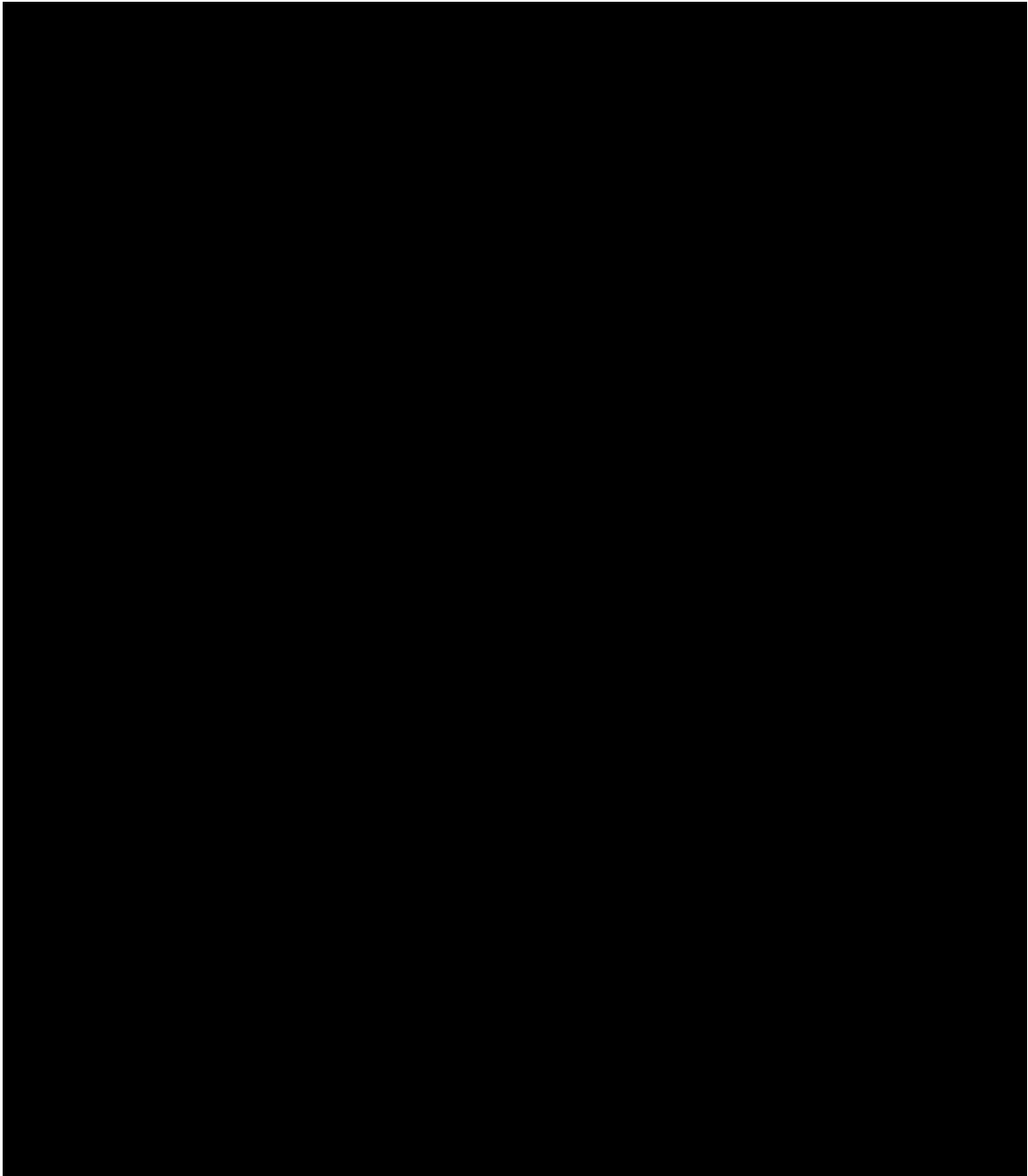
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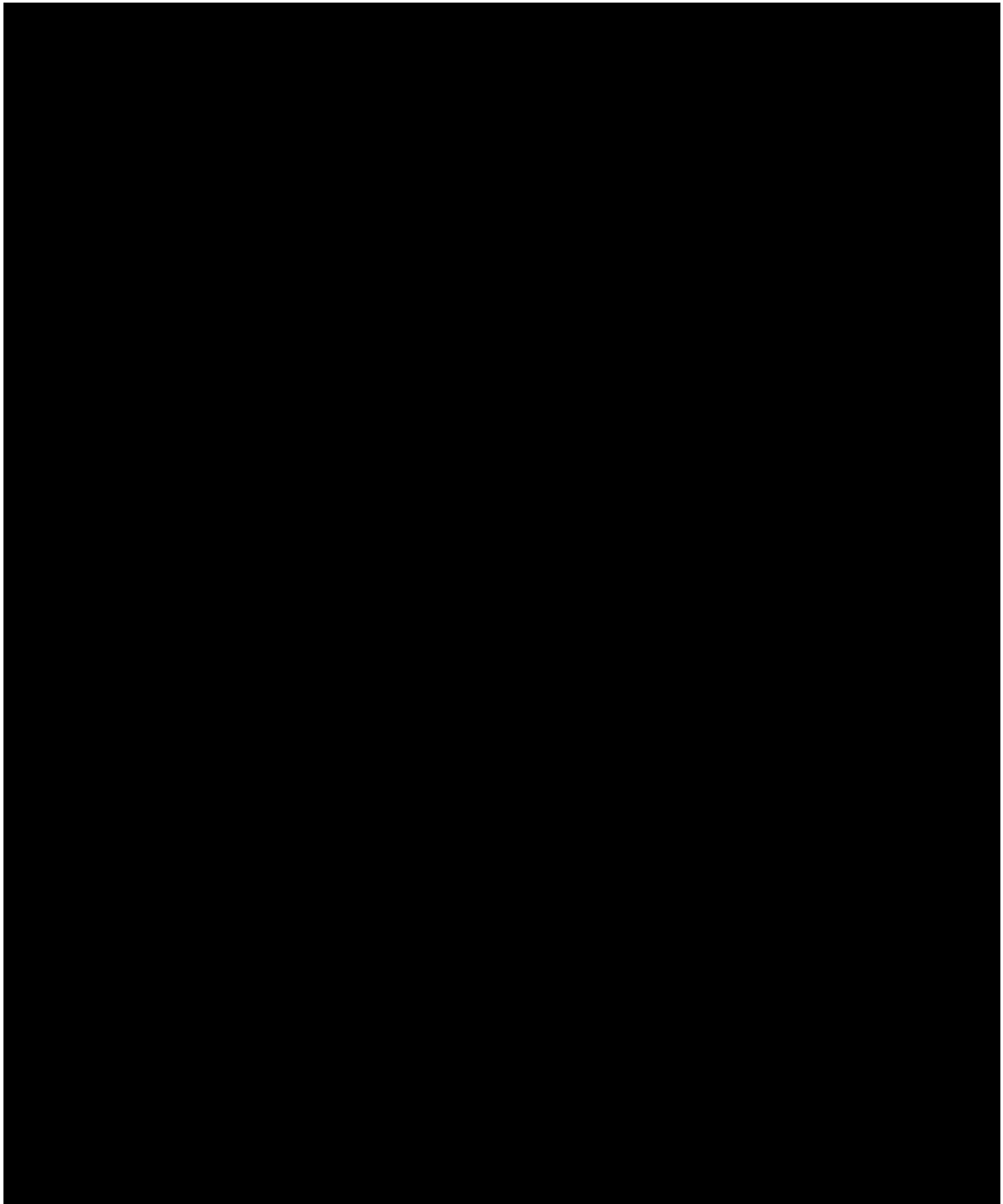
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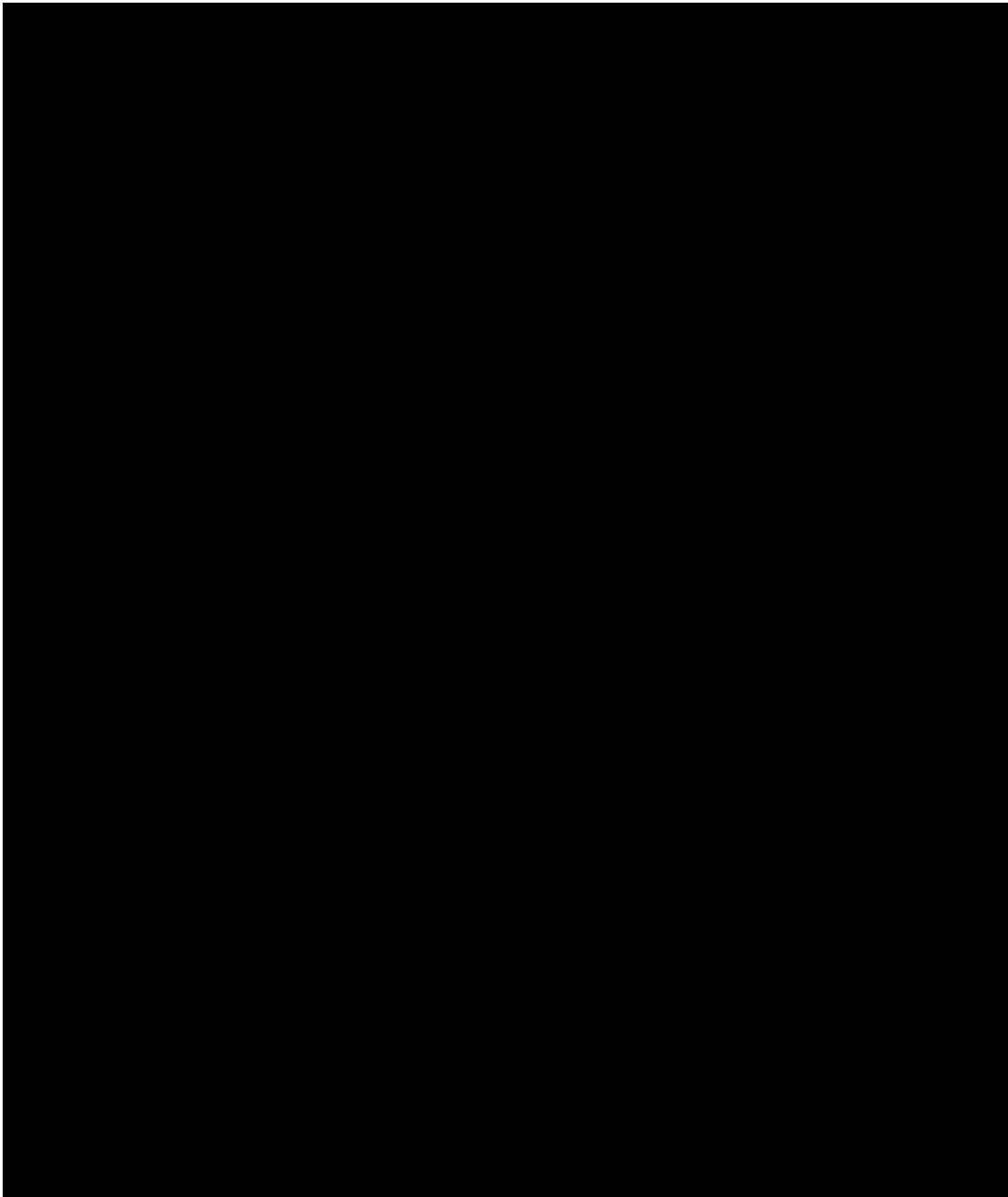


CONFIDENTIAL

Translation

IRI-SU-000125E

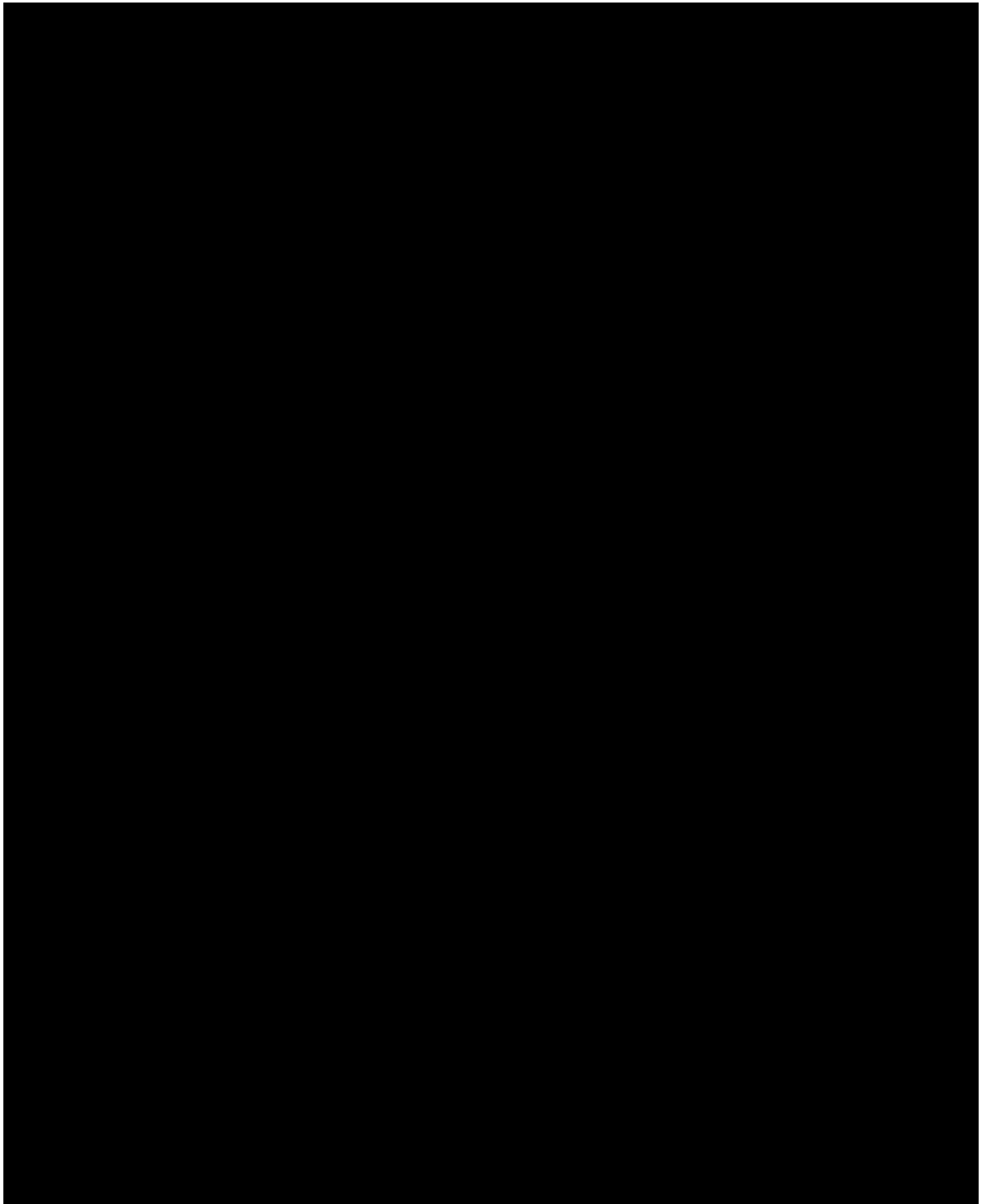


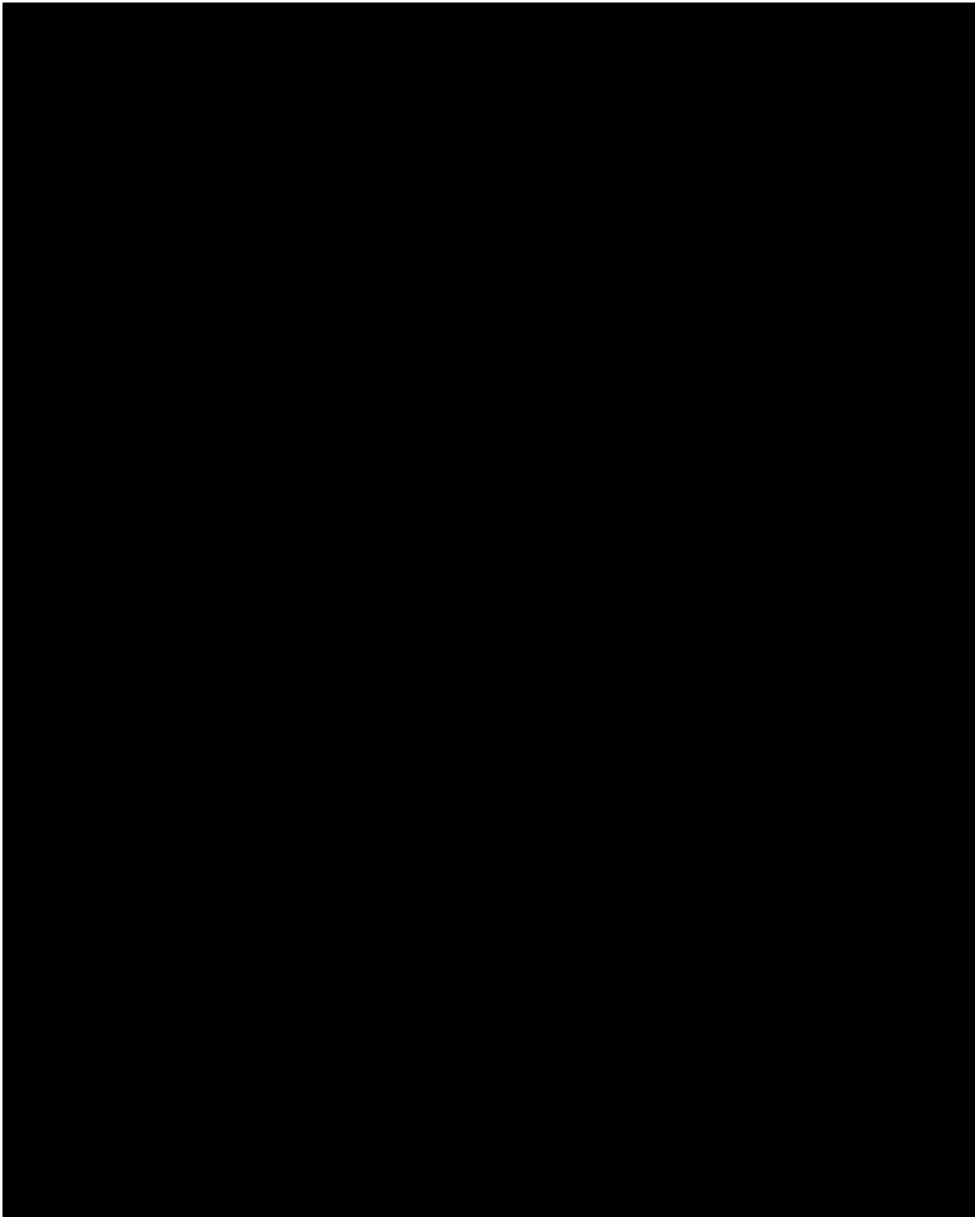


CONFIDENTIAL

Translation

IRI-SU-000126E





CONFIDENTIAL

Translation

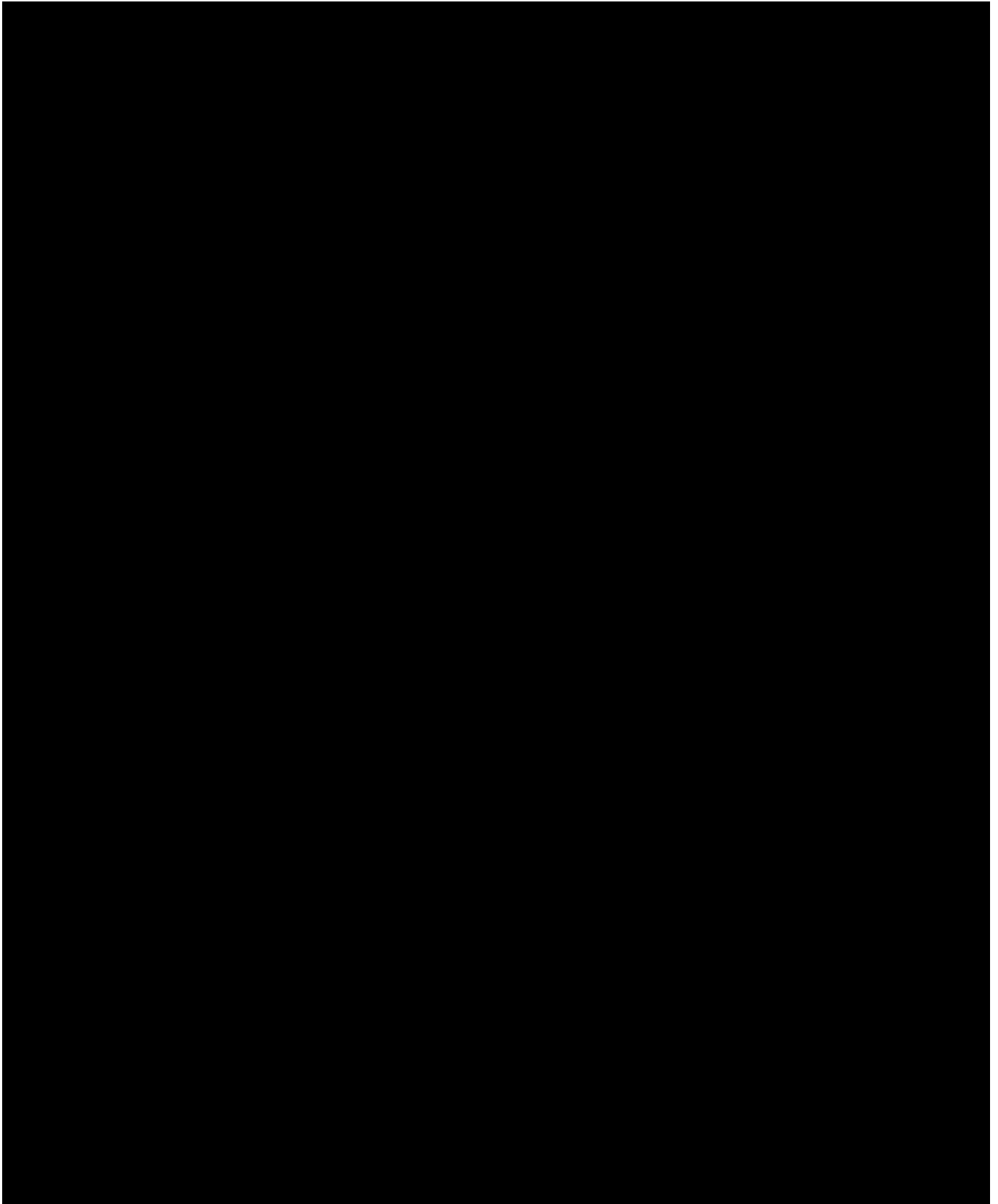
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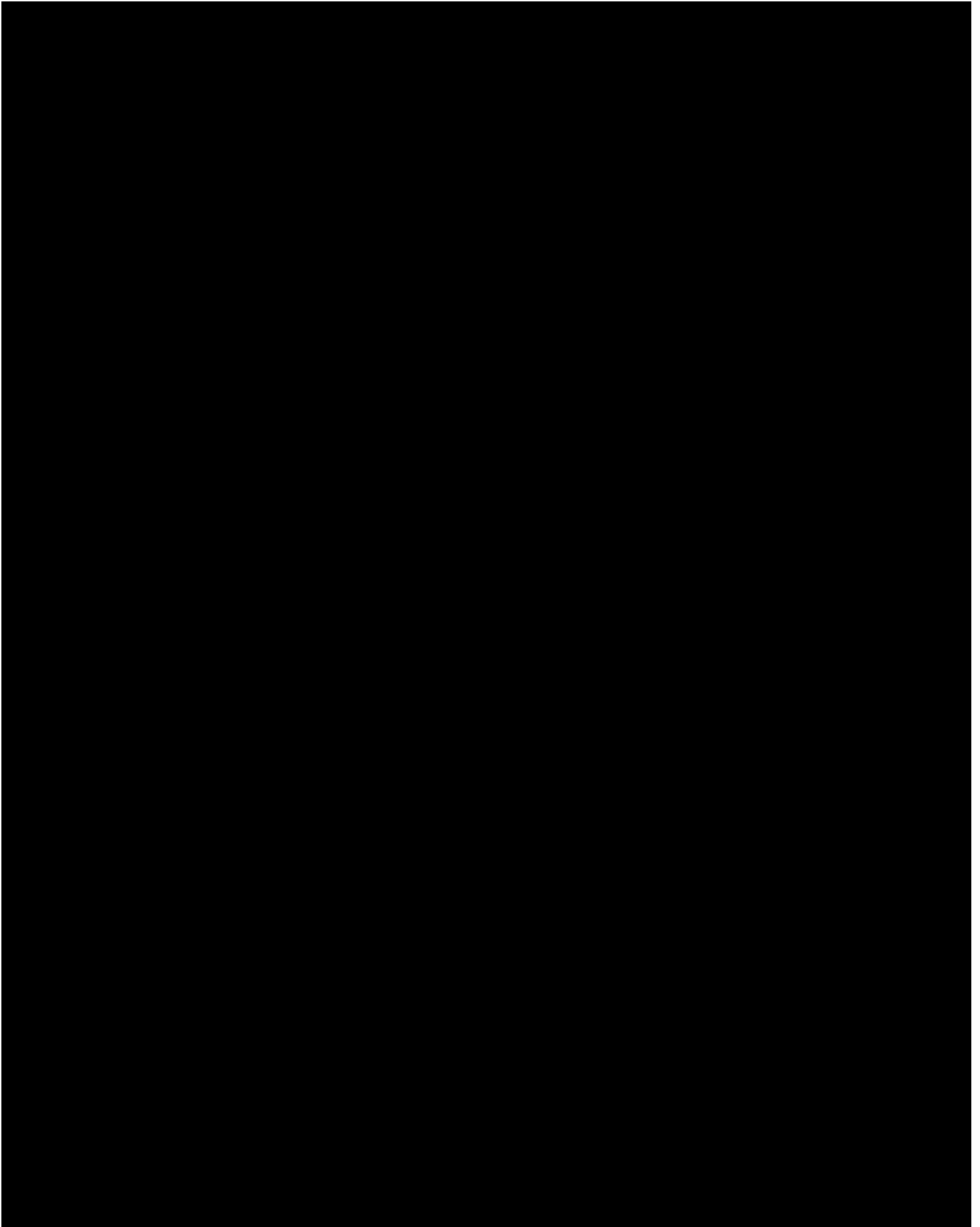


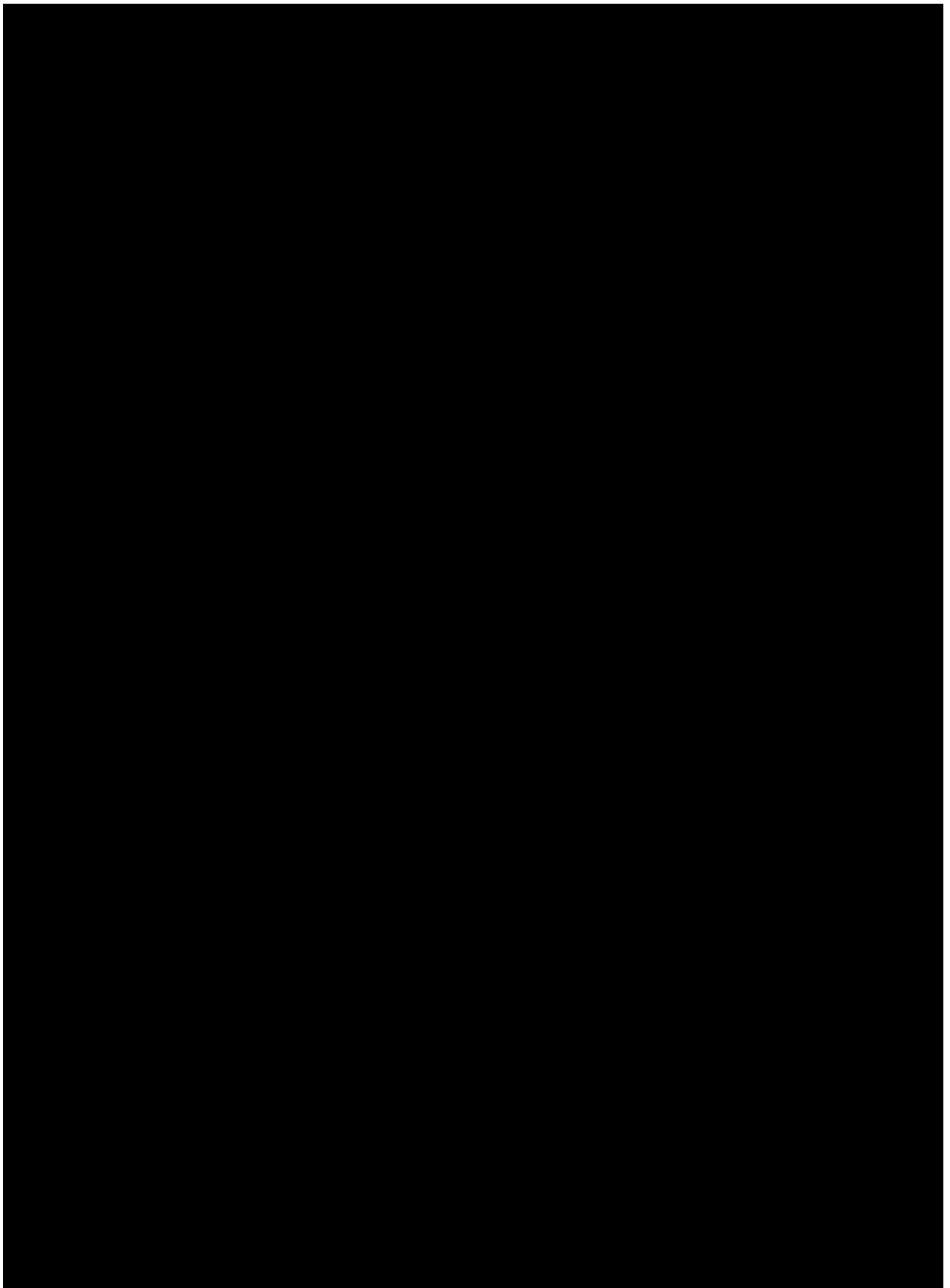
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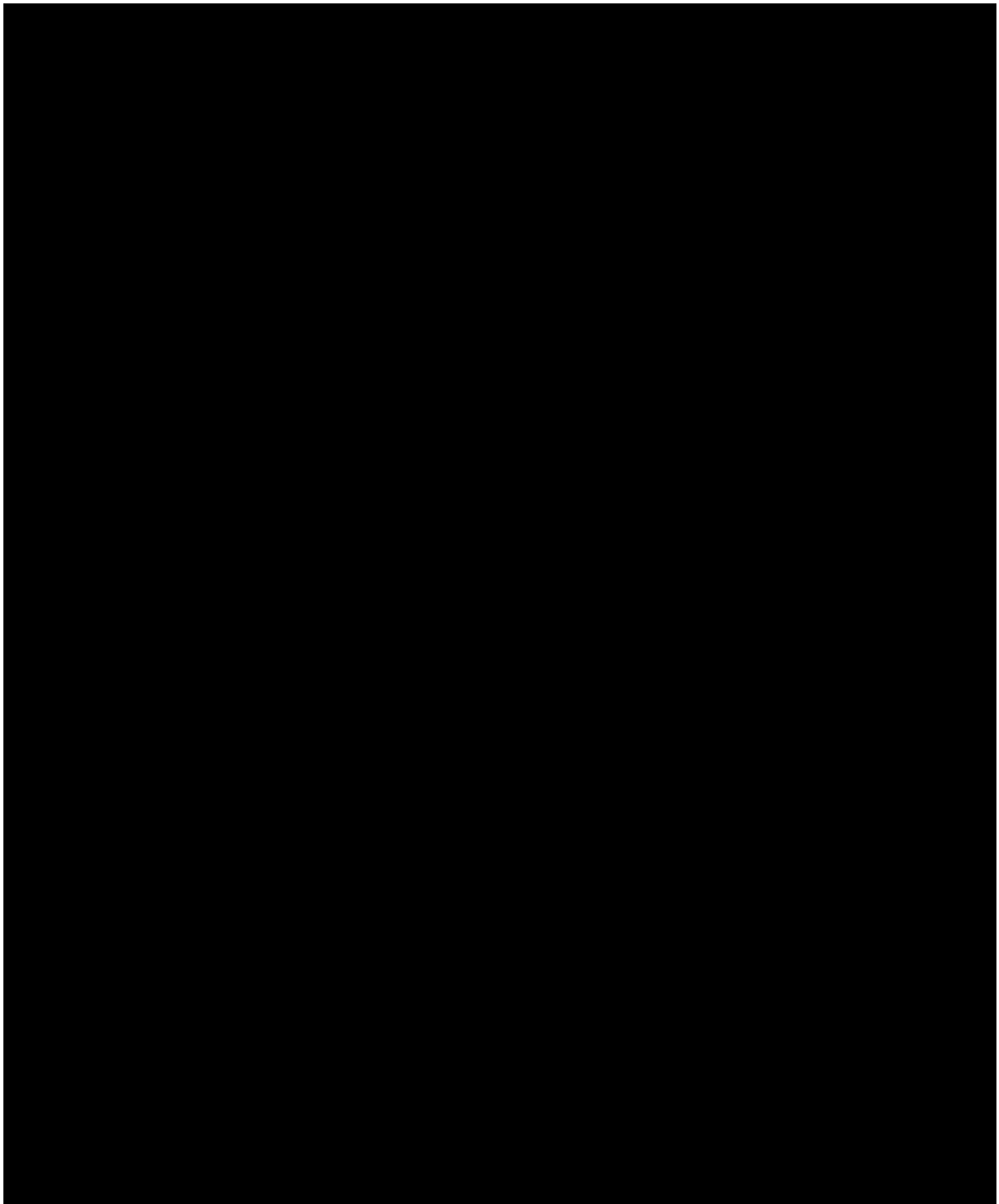
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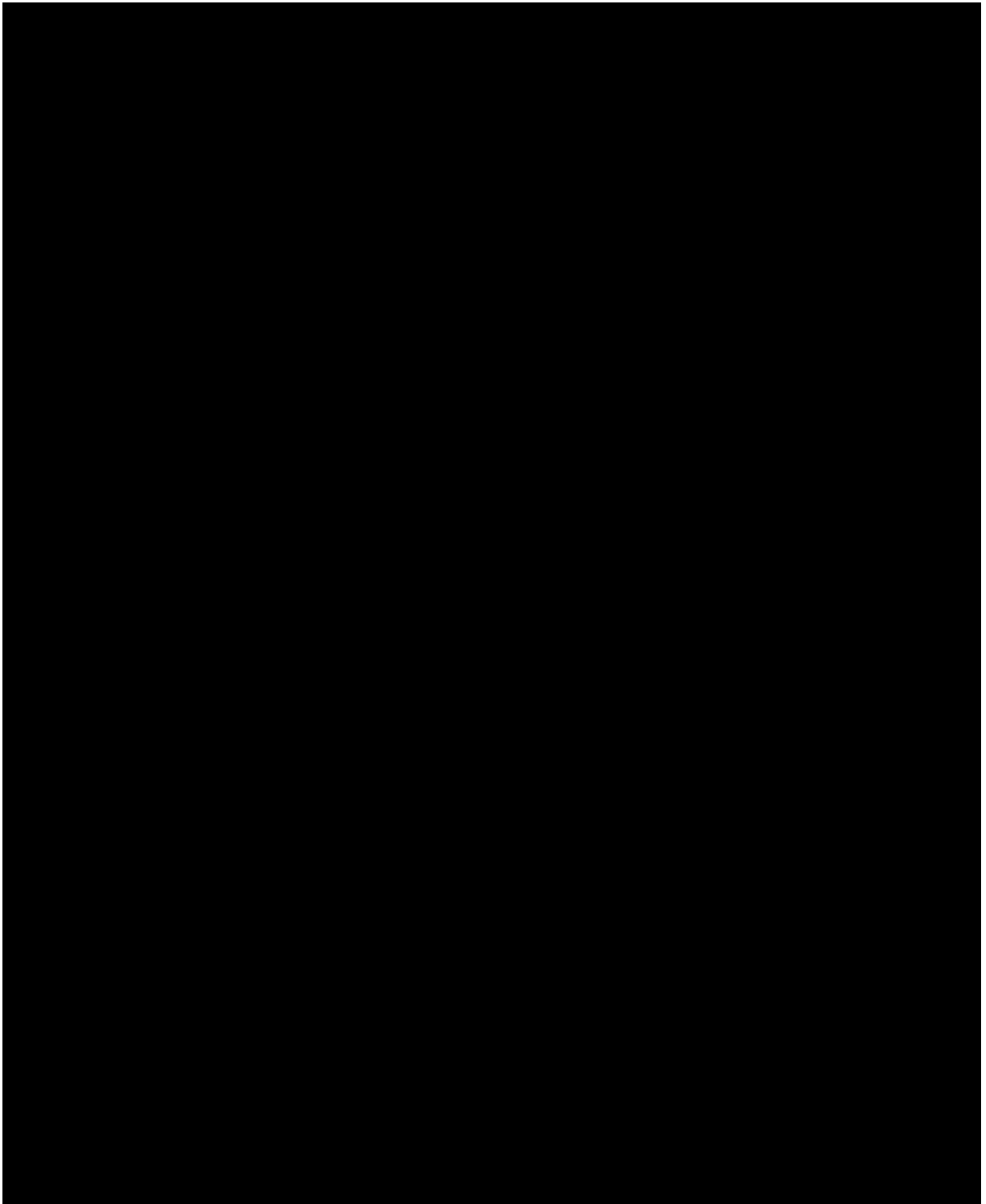
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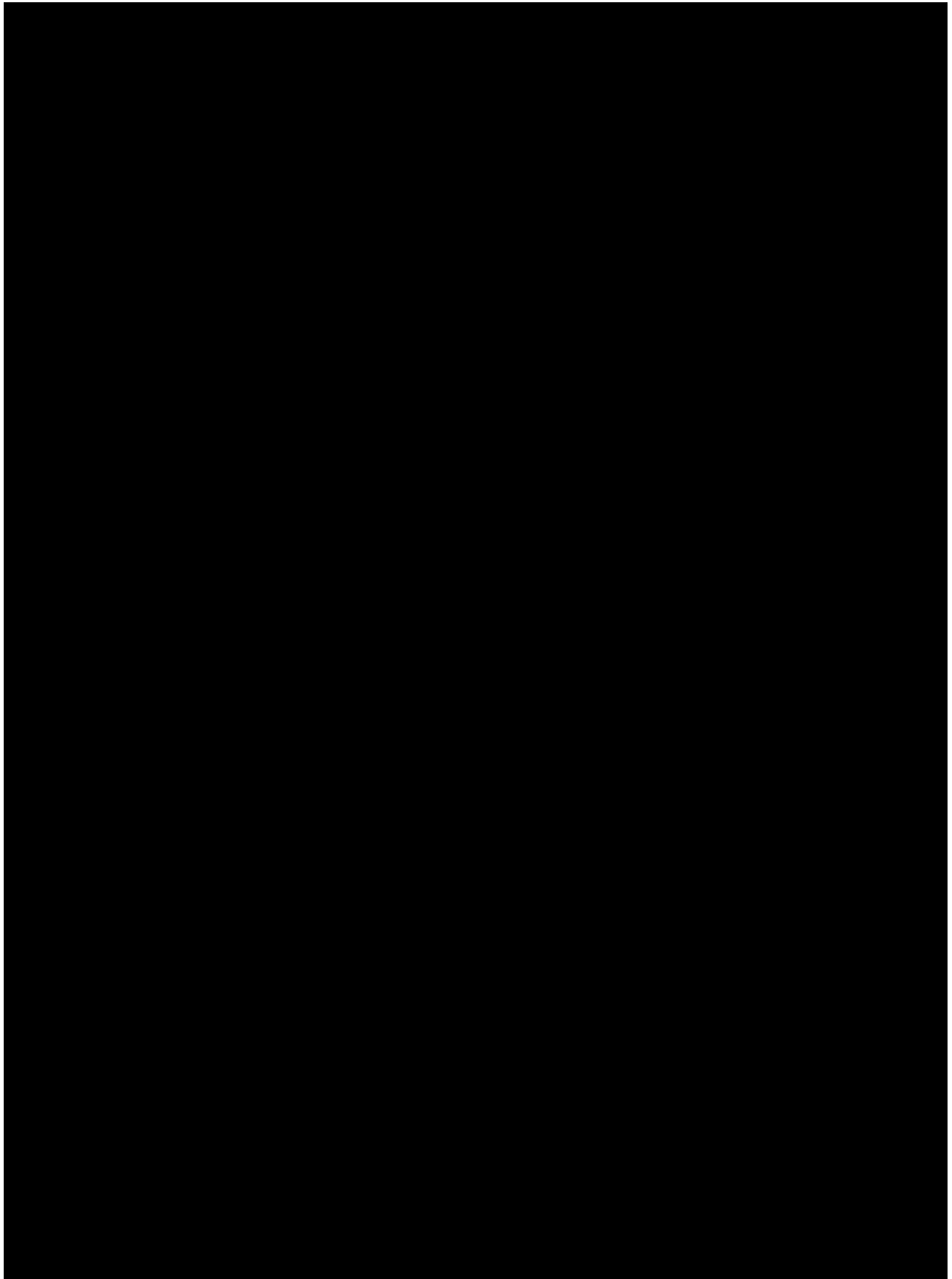


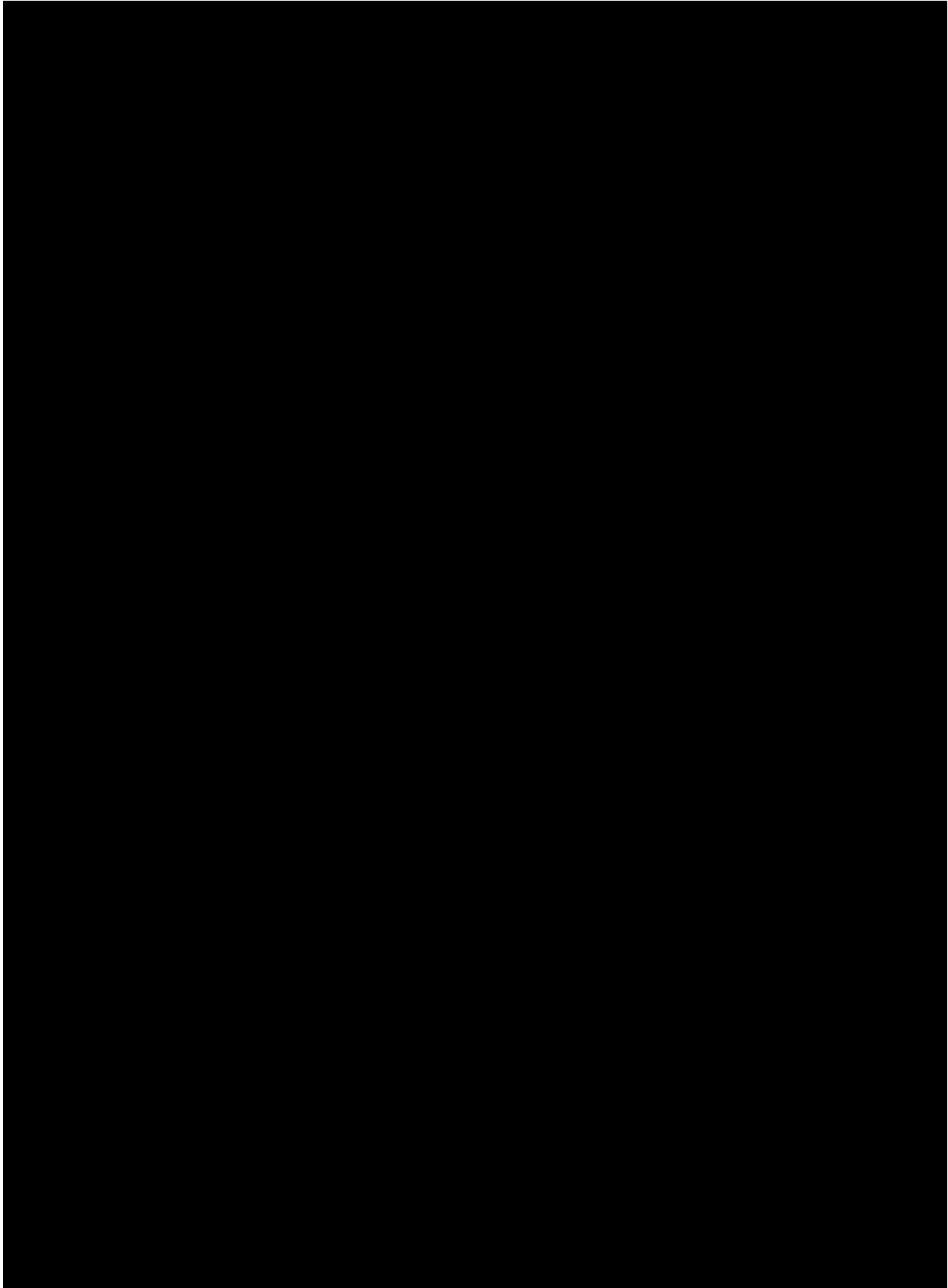


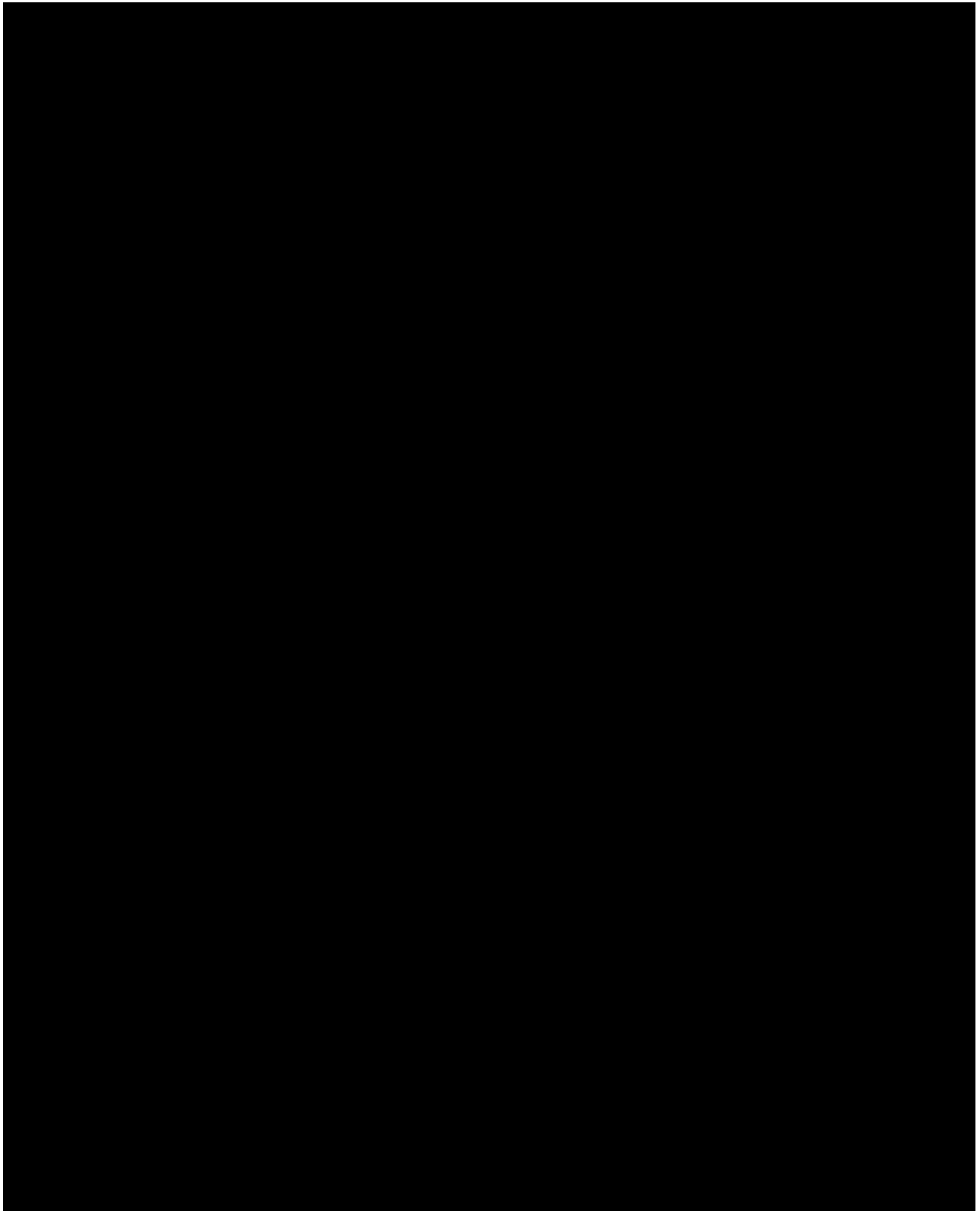


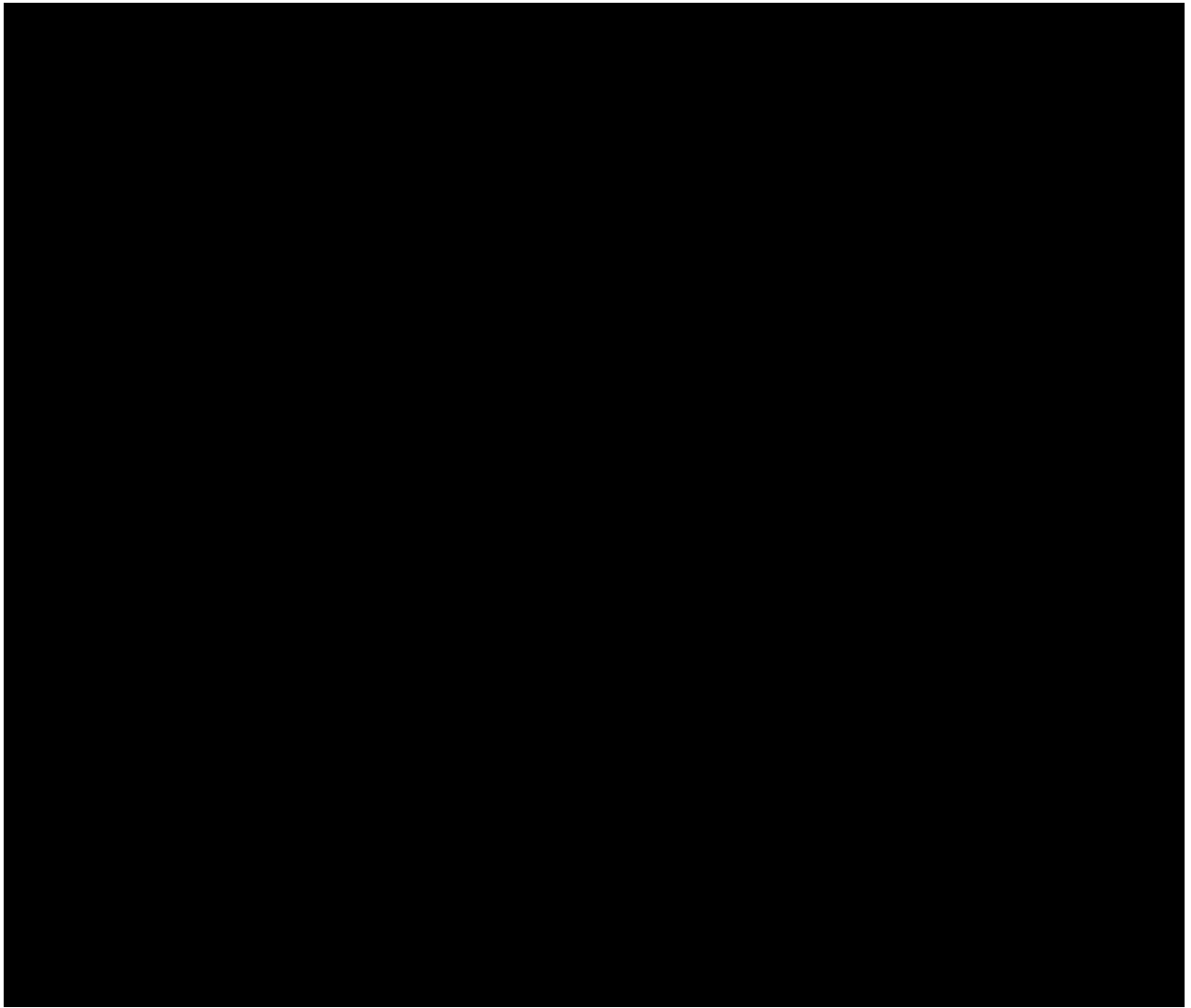


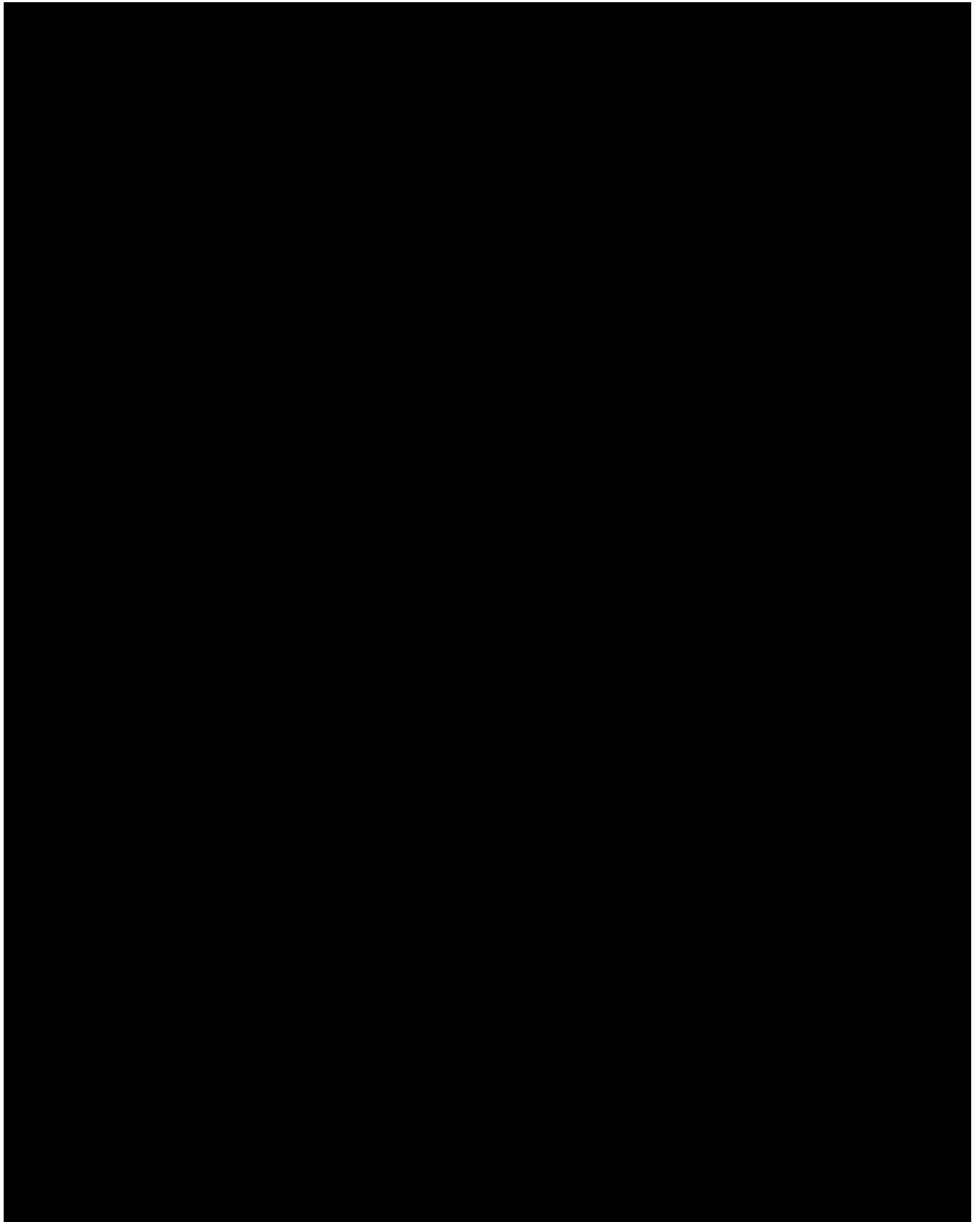


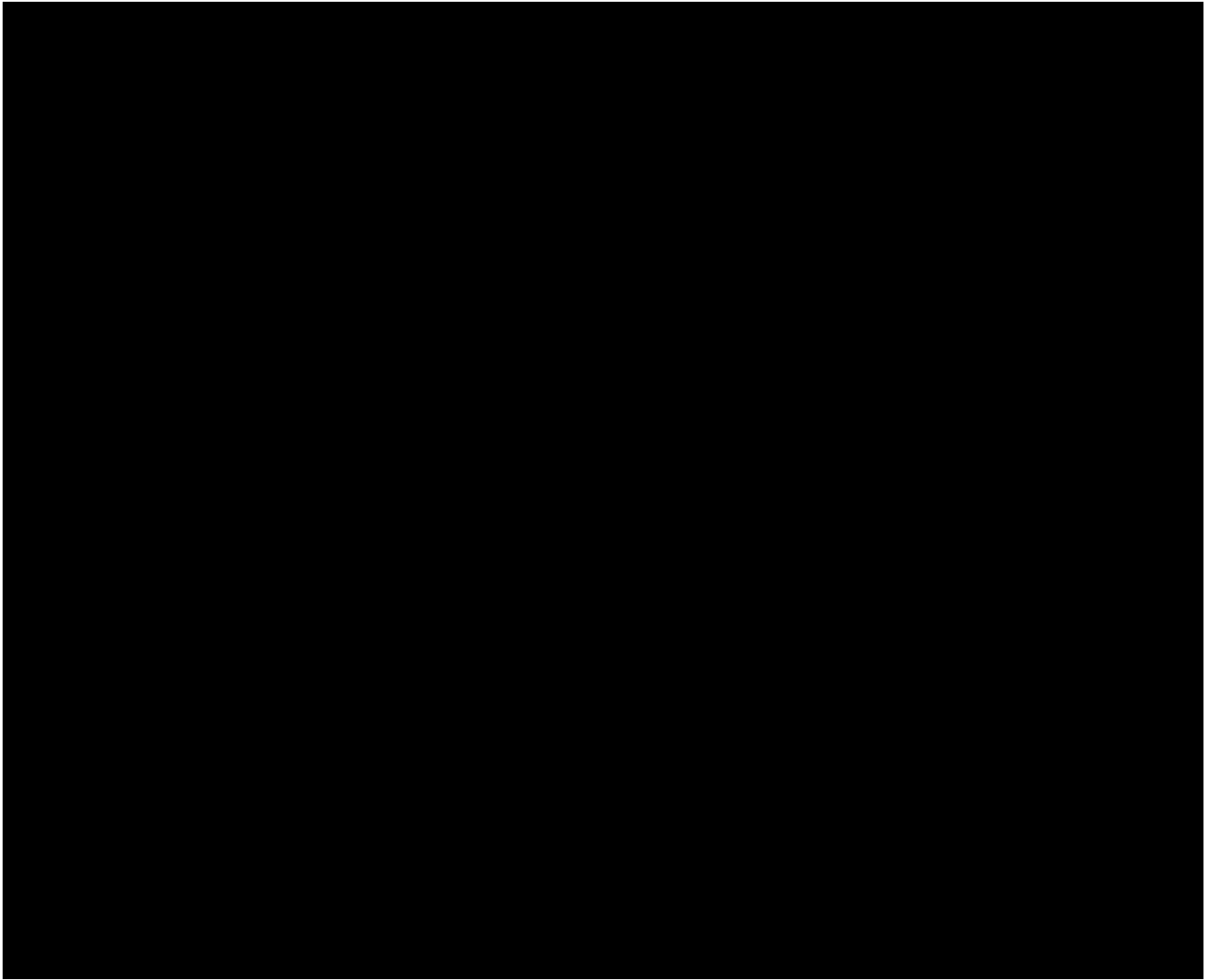


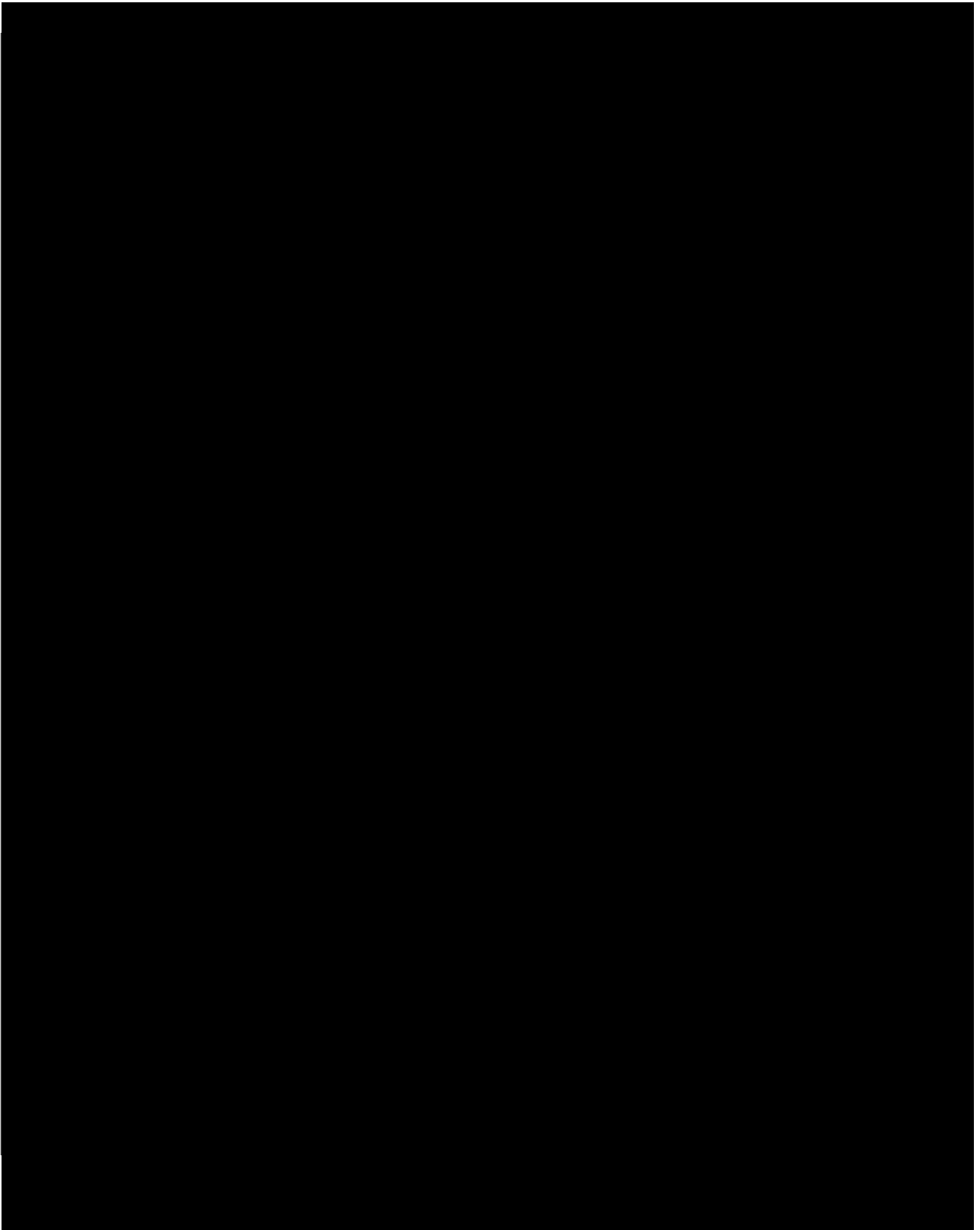


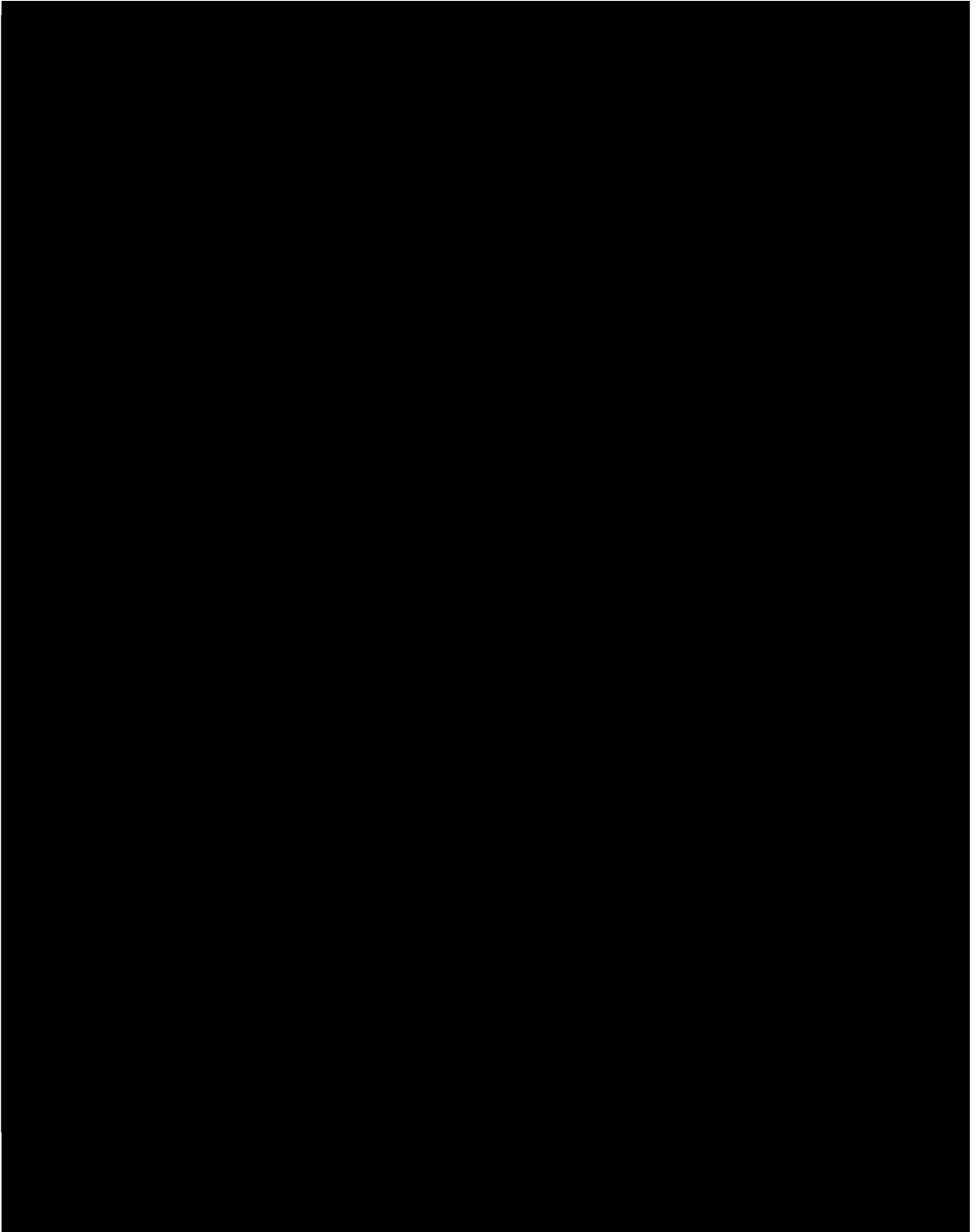


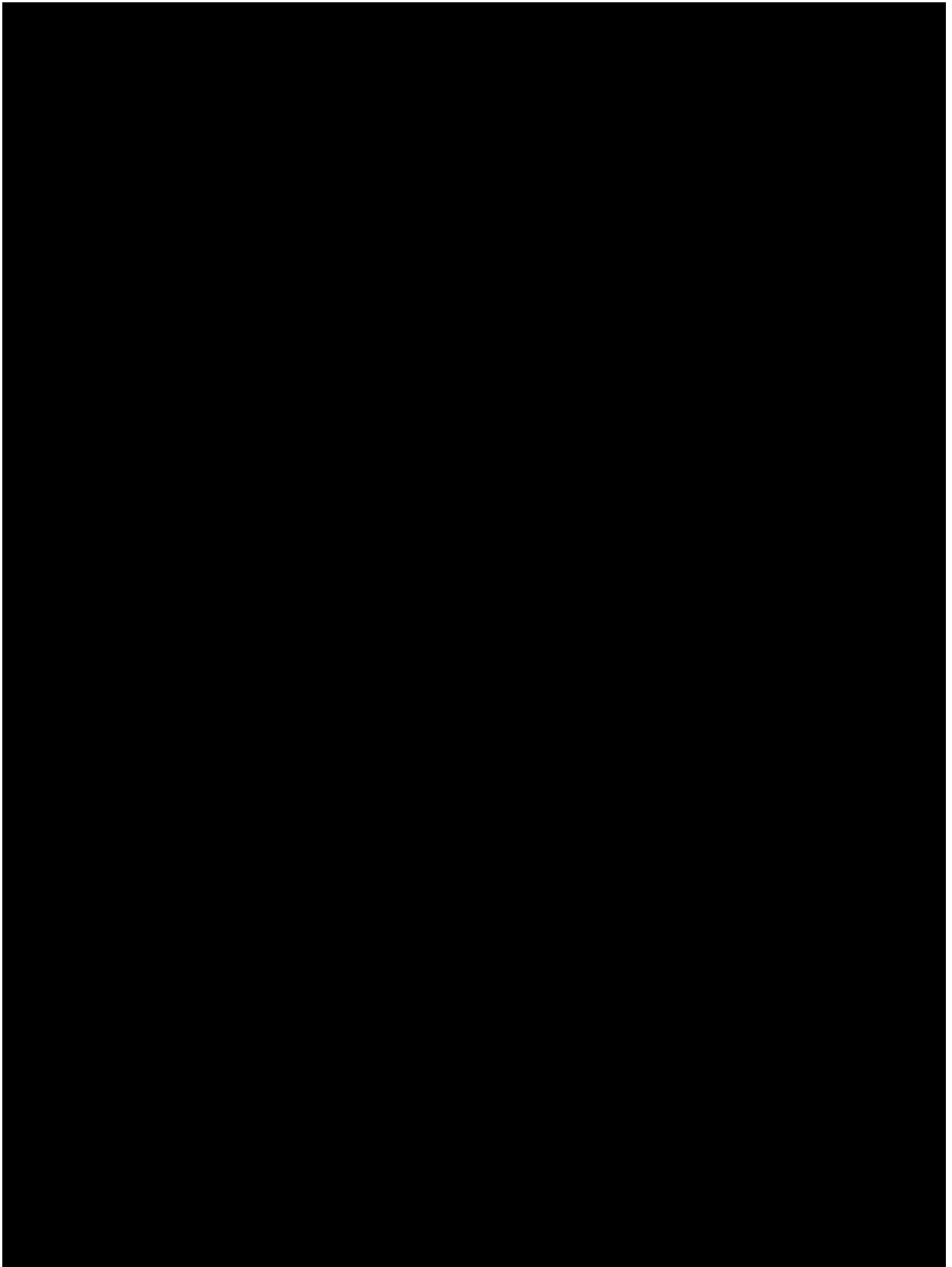


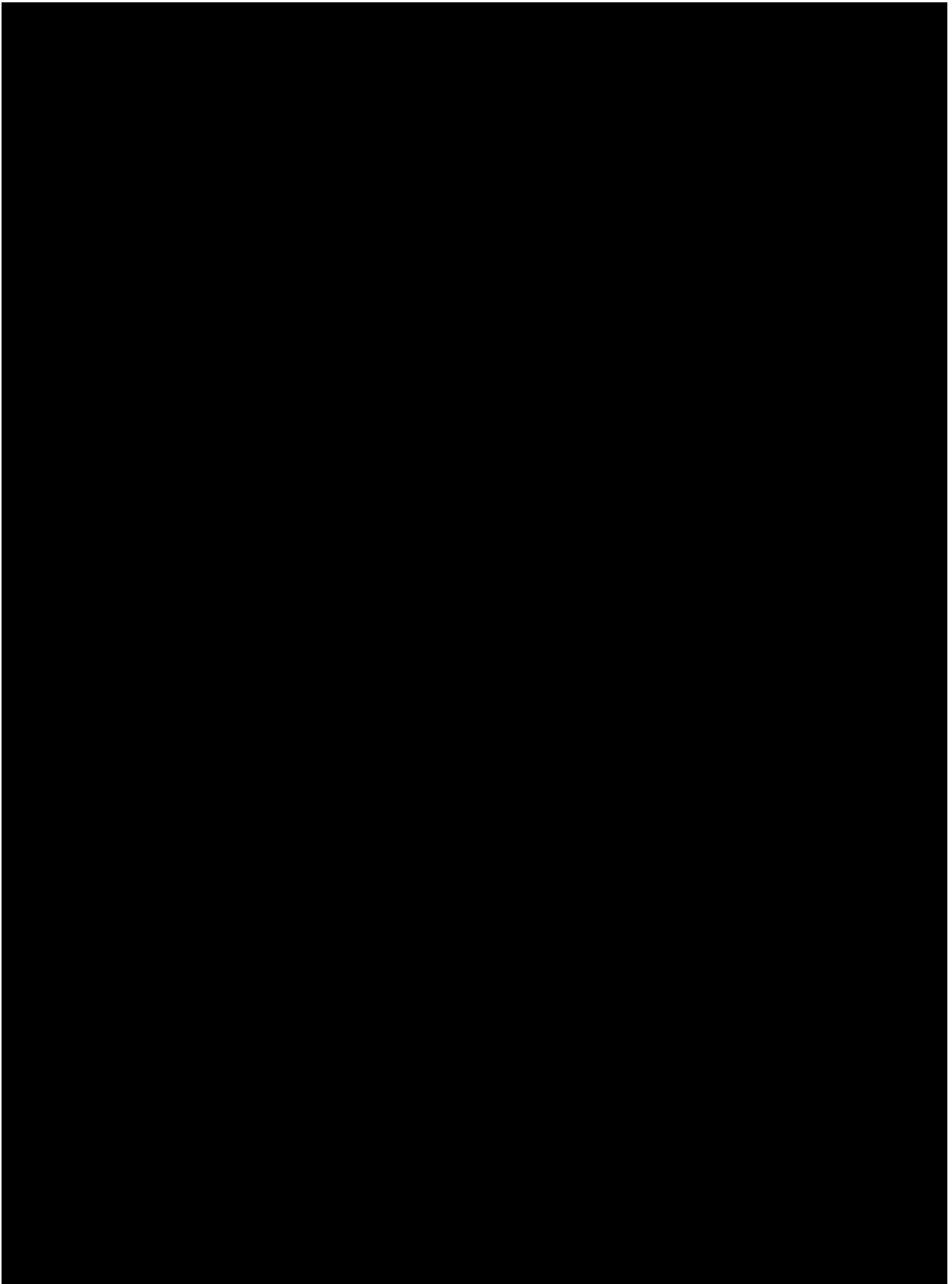


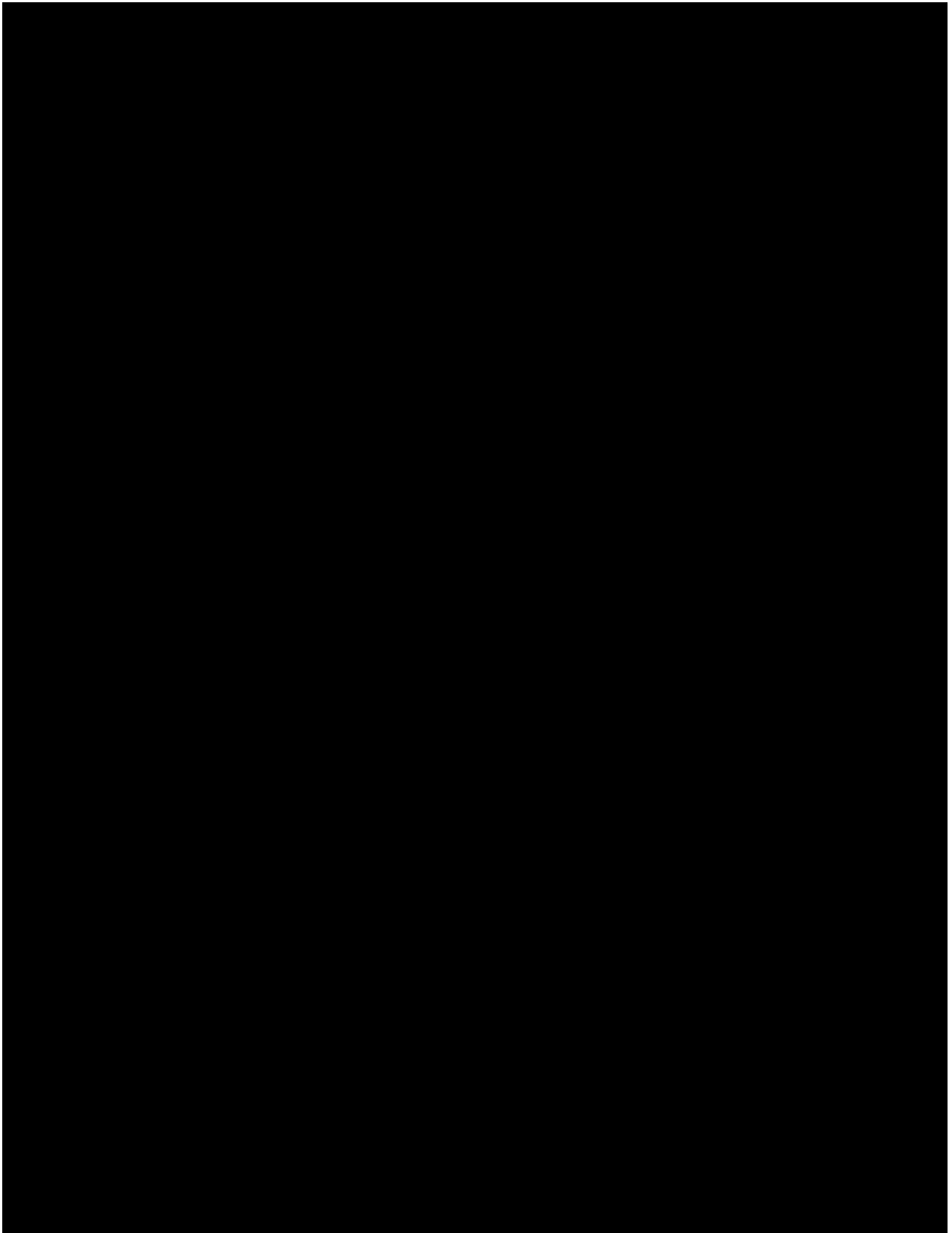


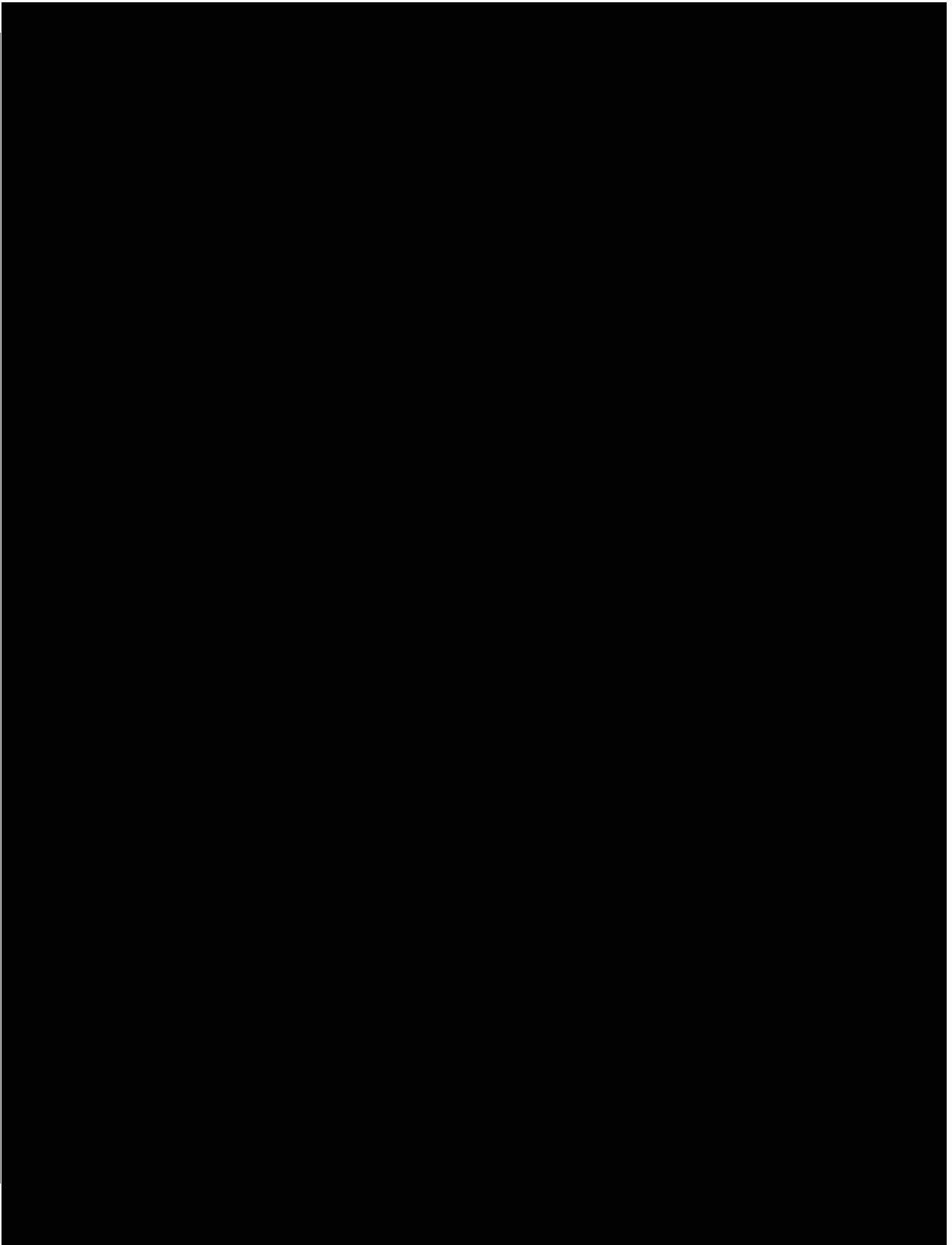


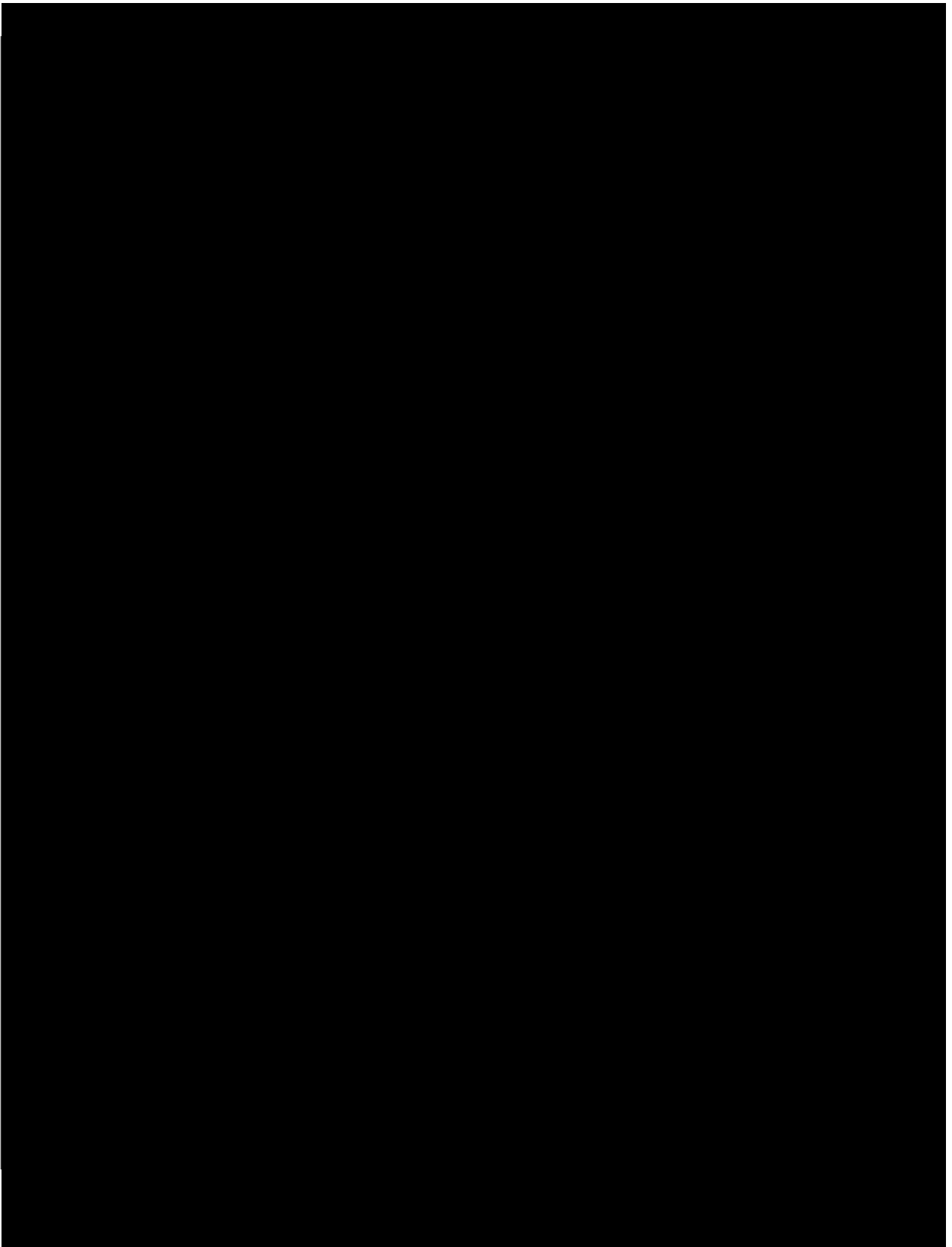


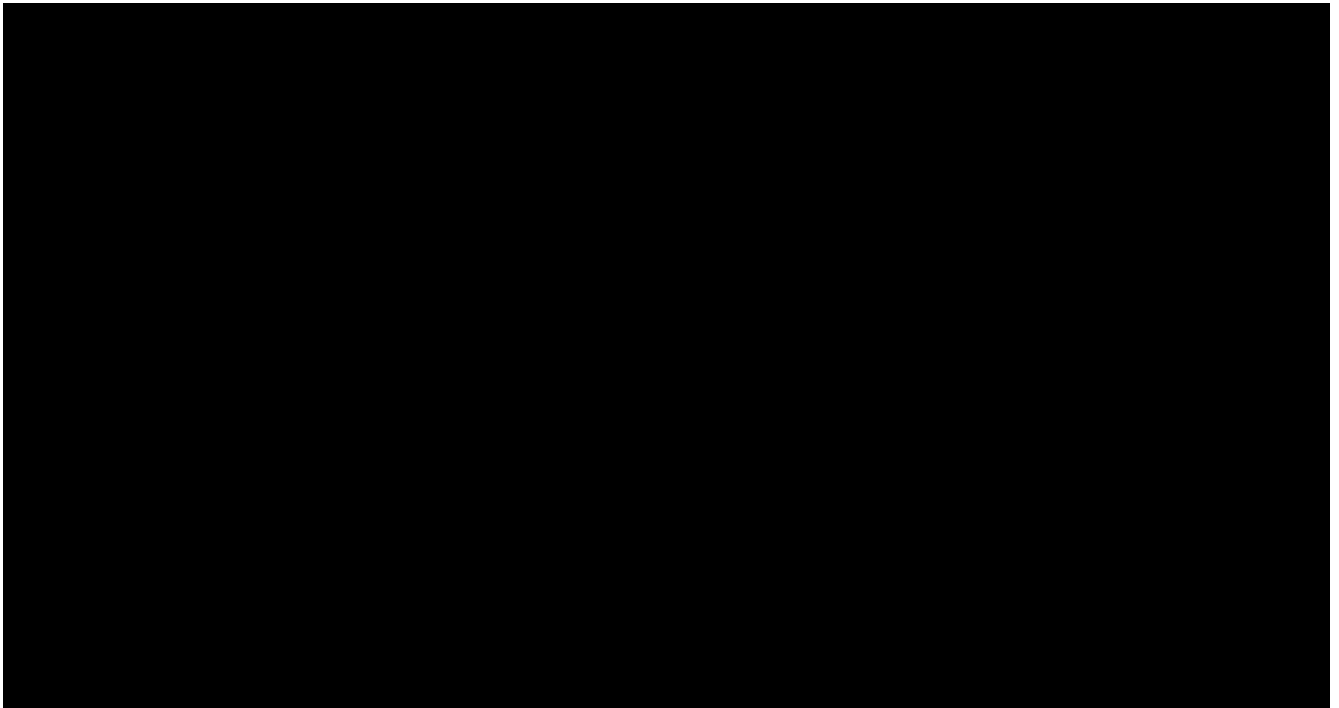


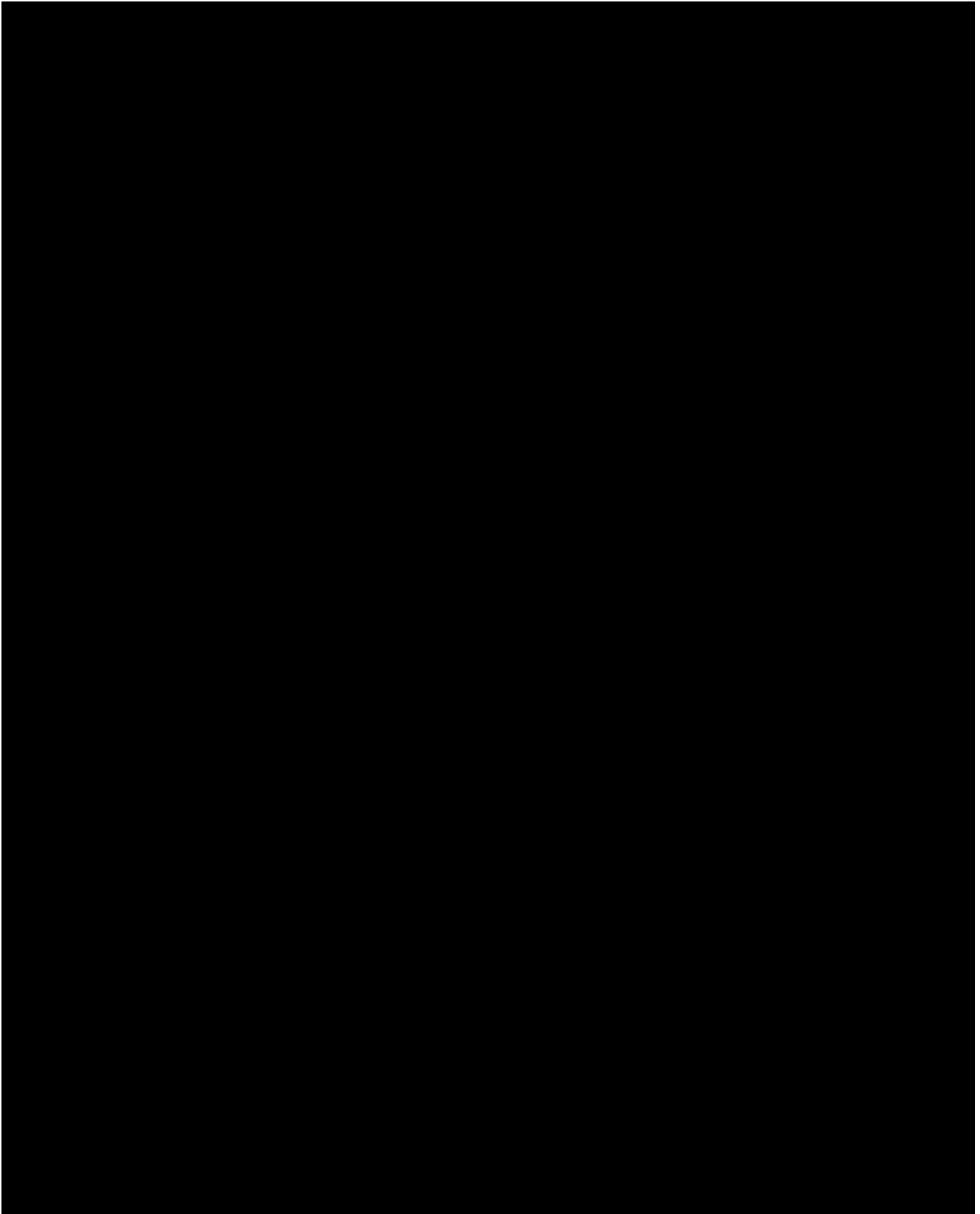


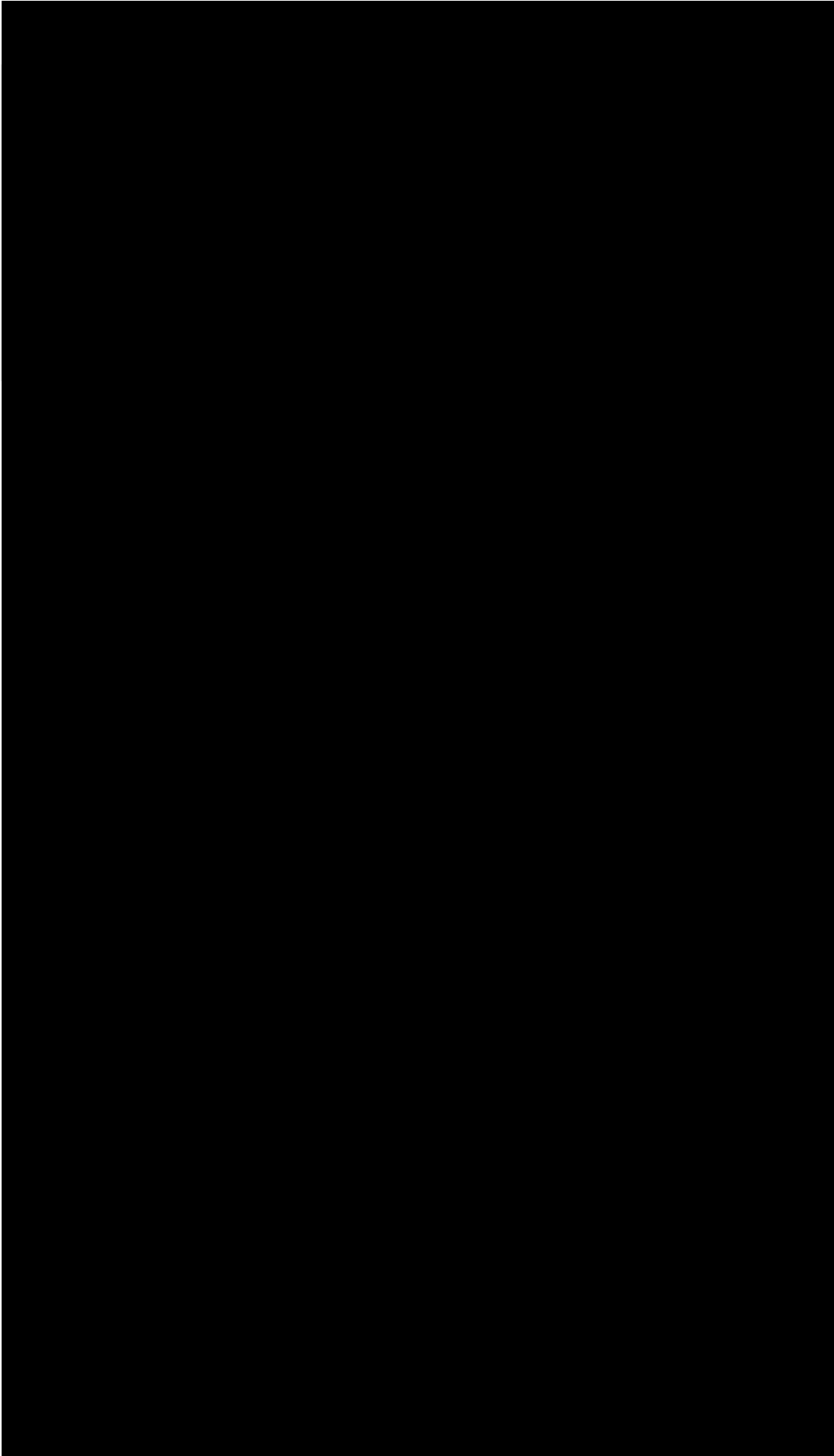


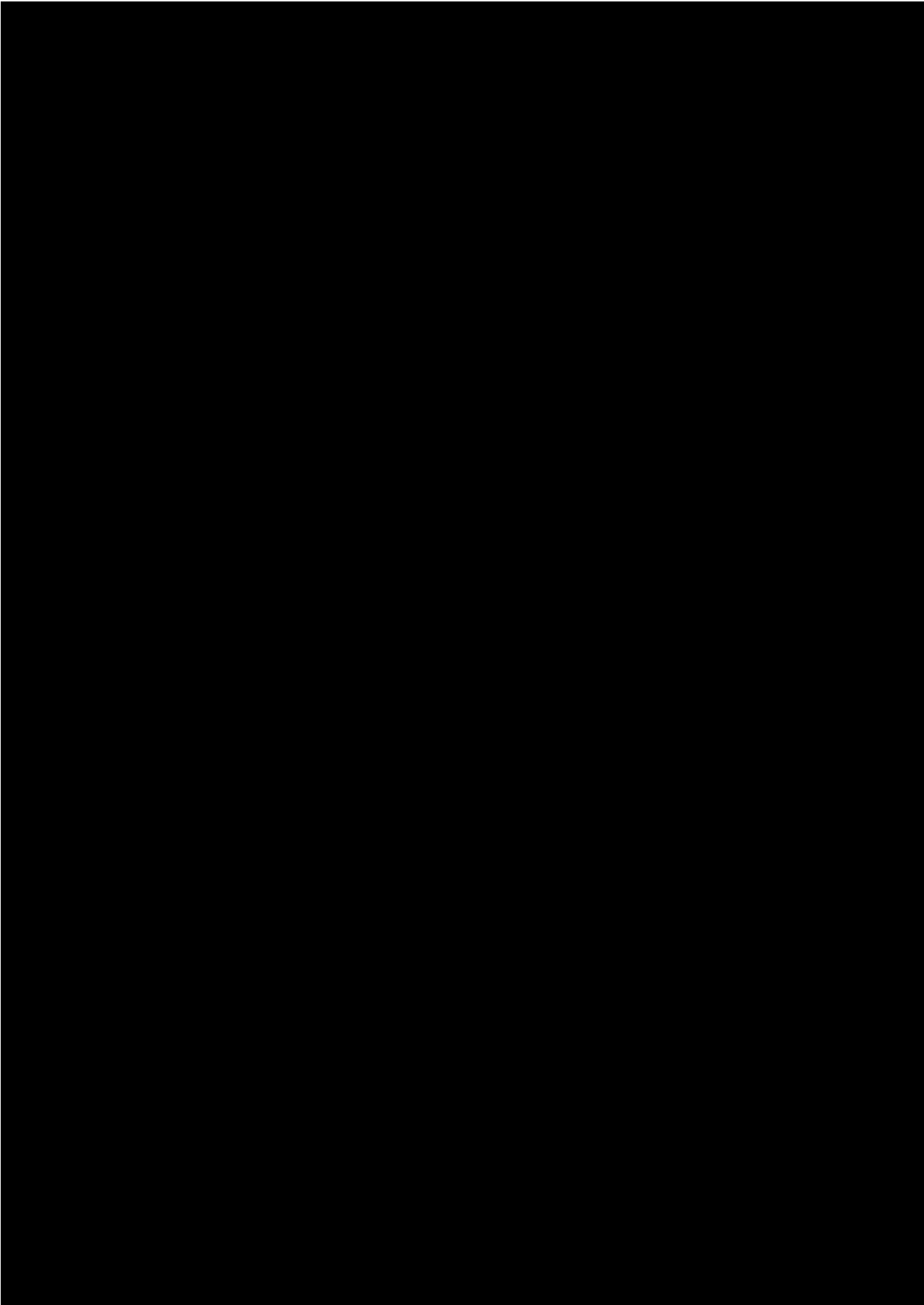


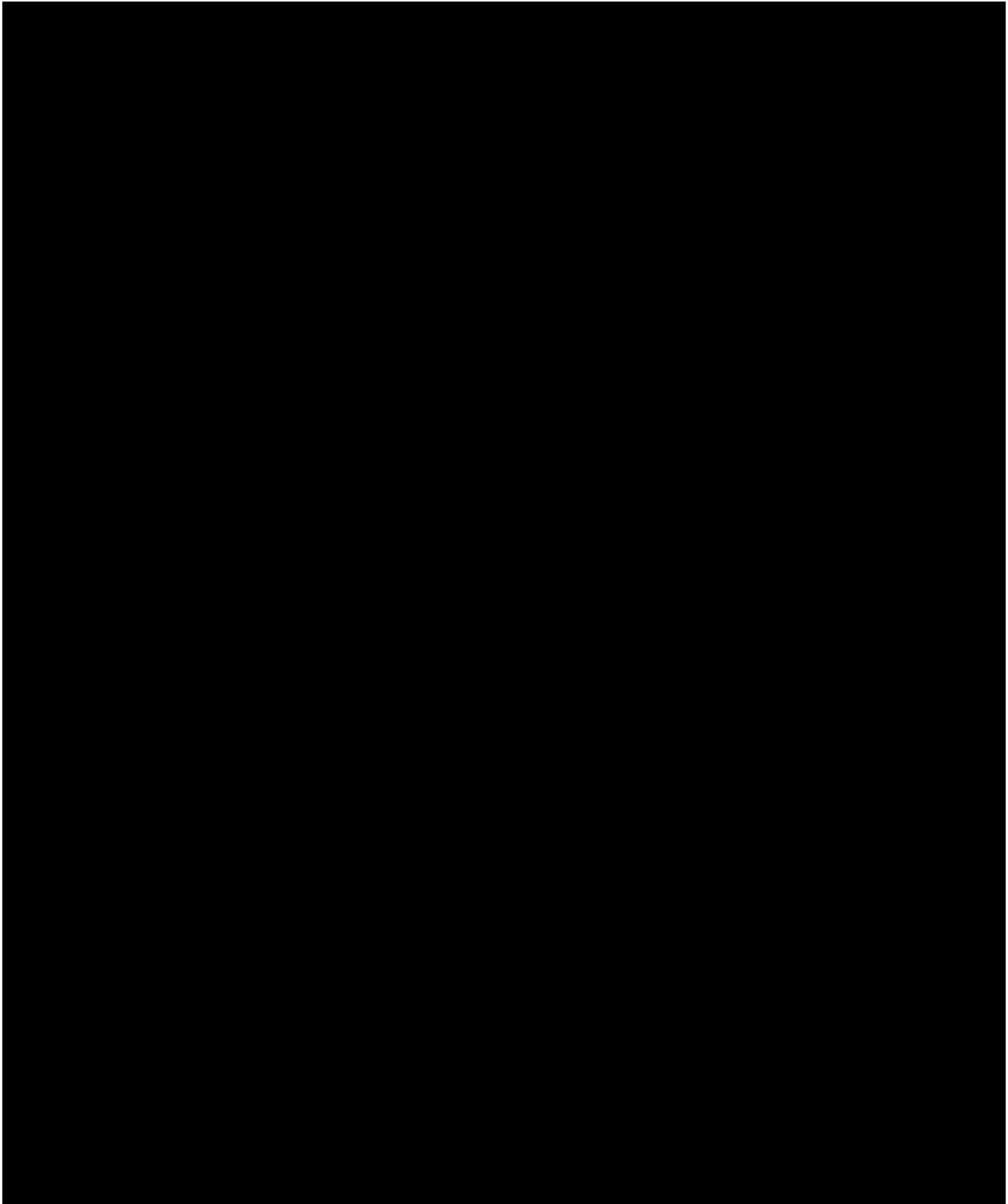


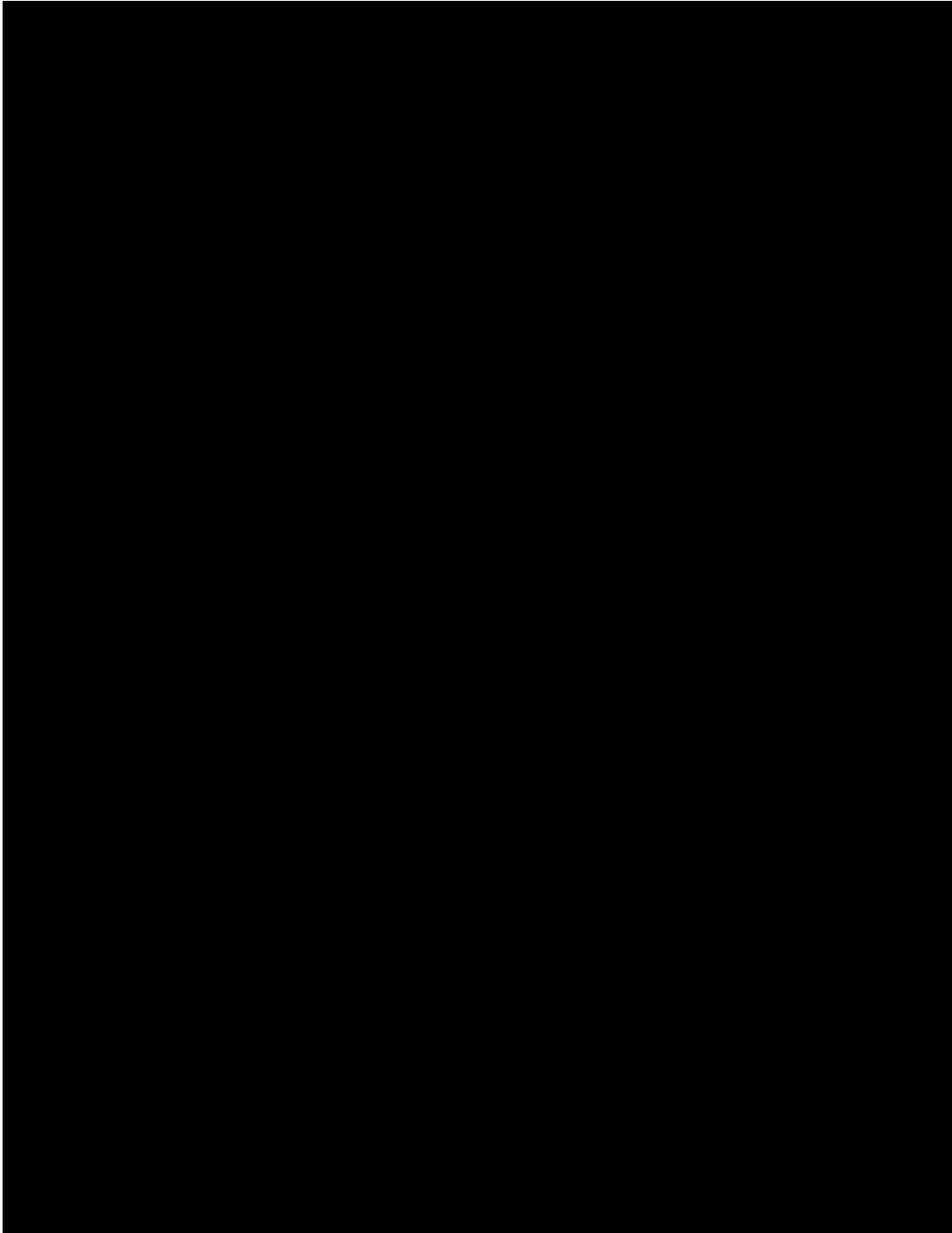


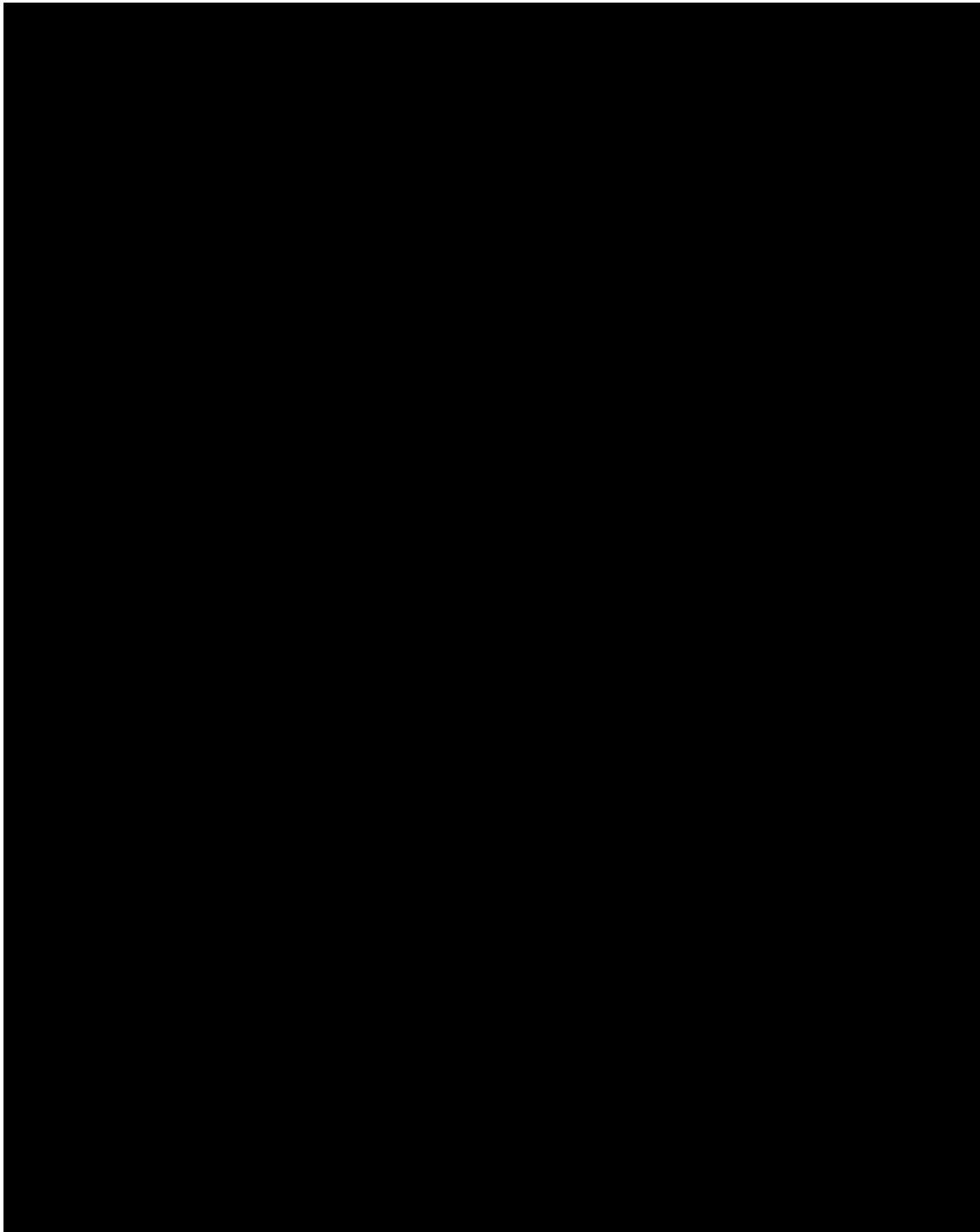












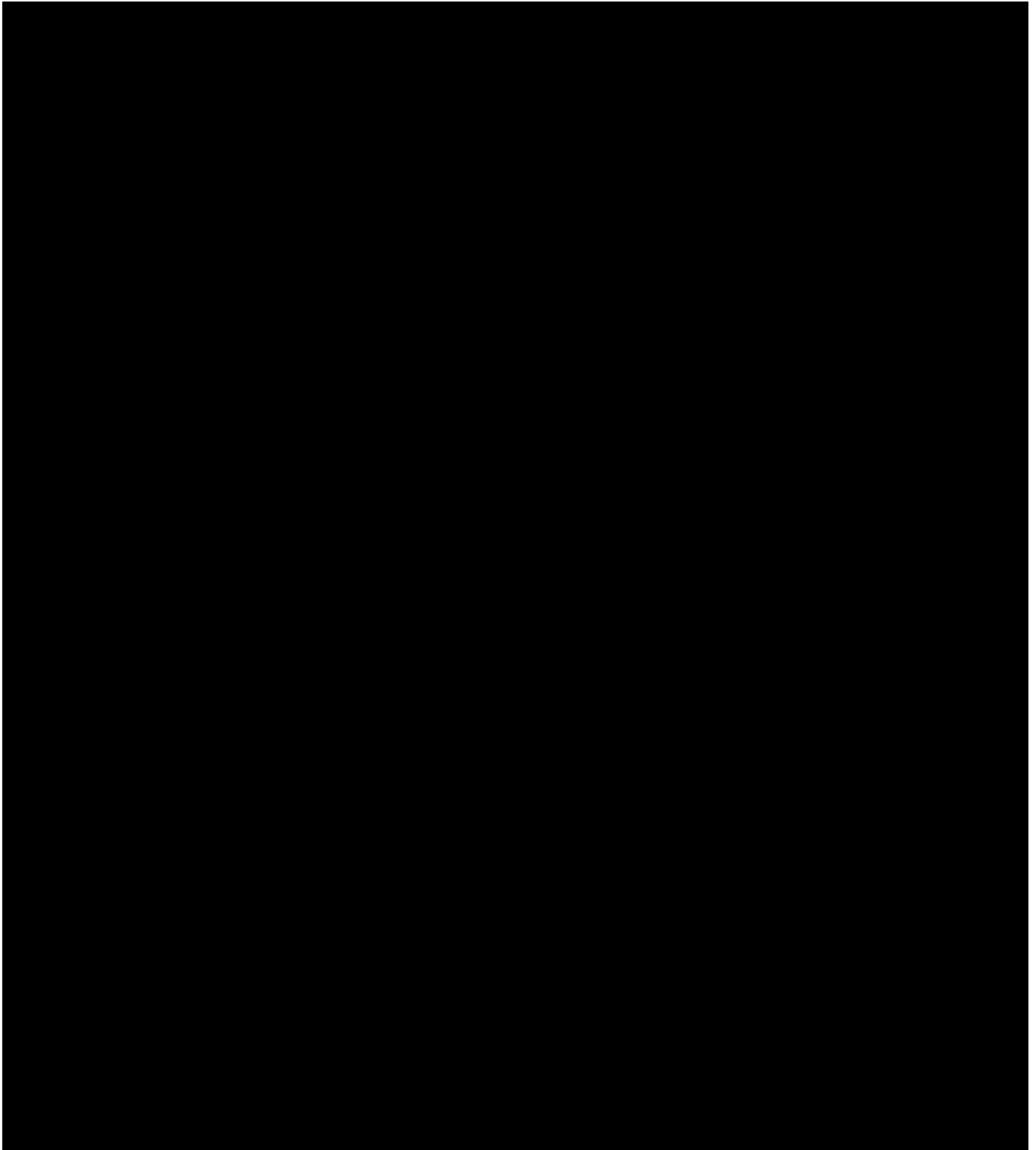


Exhibit L



April 5, 2023

Certification

Welocalize Translations

TRANSLATOR'S DECLARATION:

I, **Ann Chen**, hereby declare:

That I possess advanced knowledge of the Chinese and English languages. The attached Chinese into English translation has been translated by me and to the best of my knowledge and belief, it is a true and accurate translation of the document with bates numbers range: IRI-SU-000052 - IRI-SU-000054.

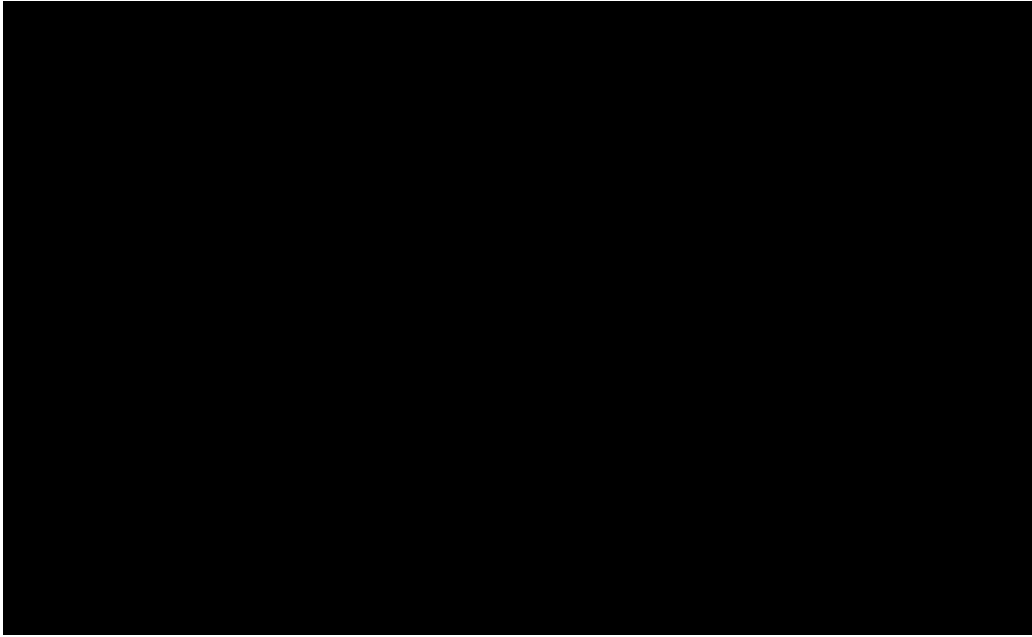
(Digital or printed signature here above the line)

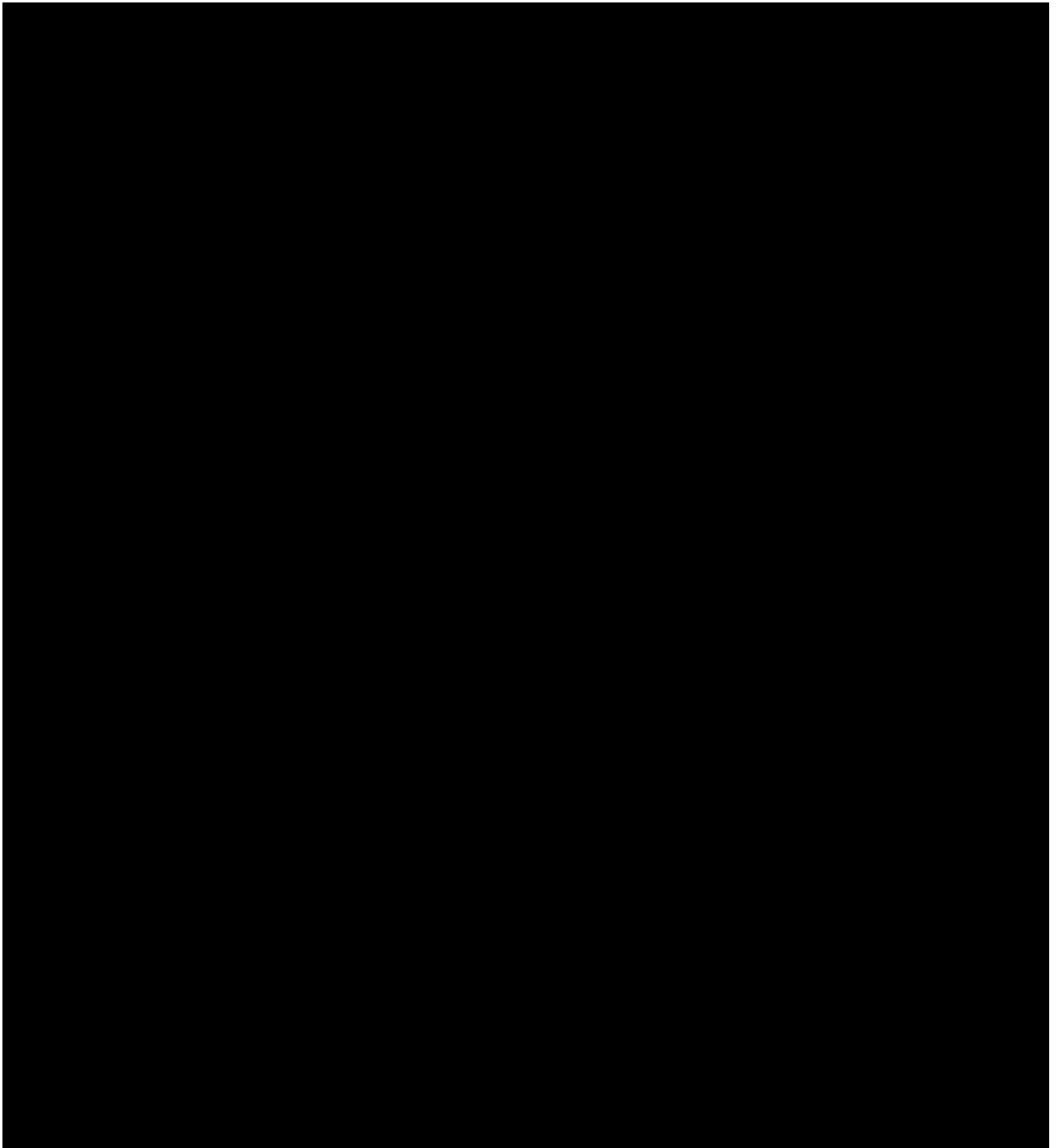
Ann Chen

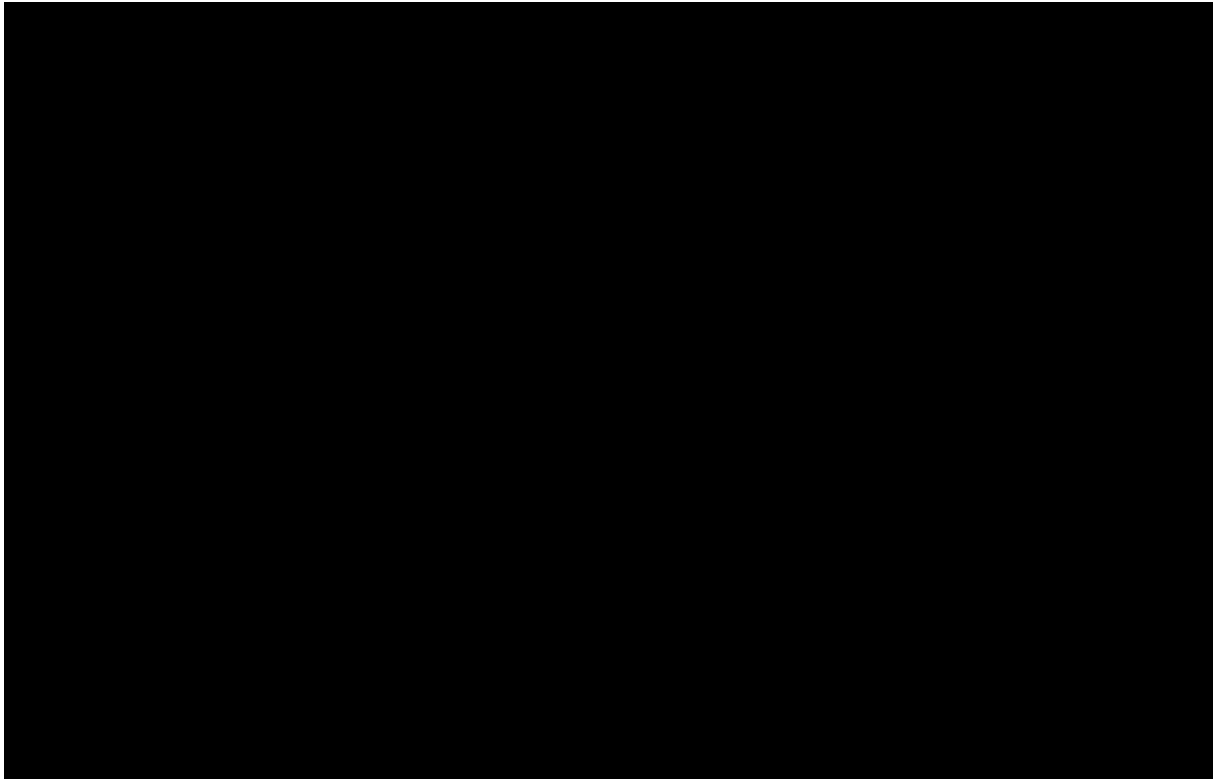
Ann Chen

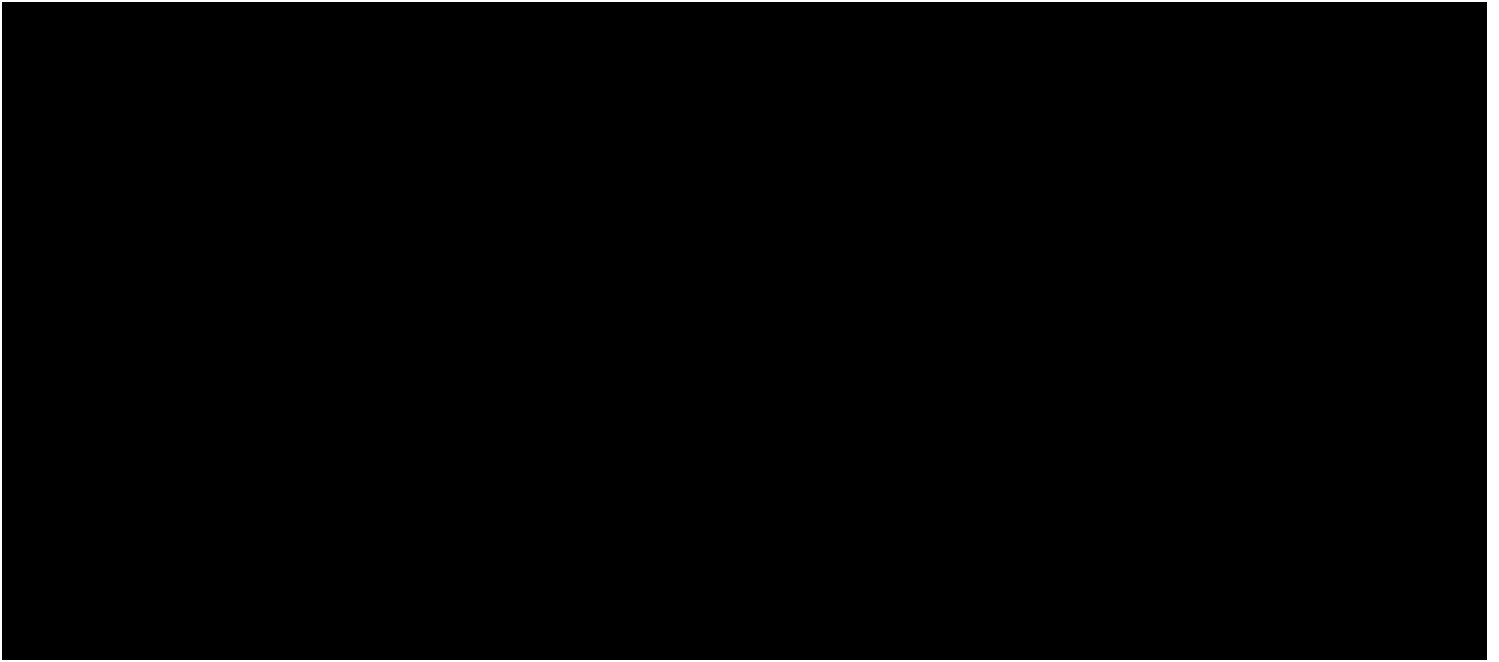
Project Number: BBLLP_2303_P0007

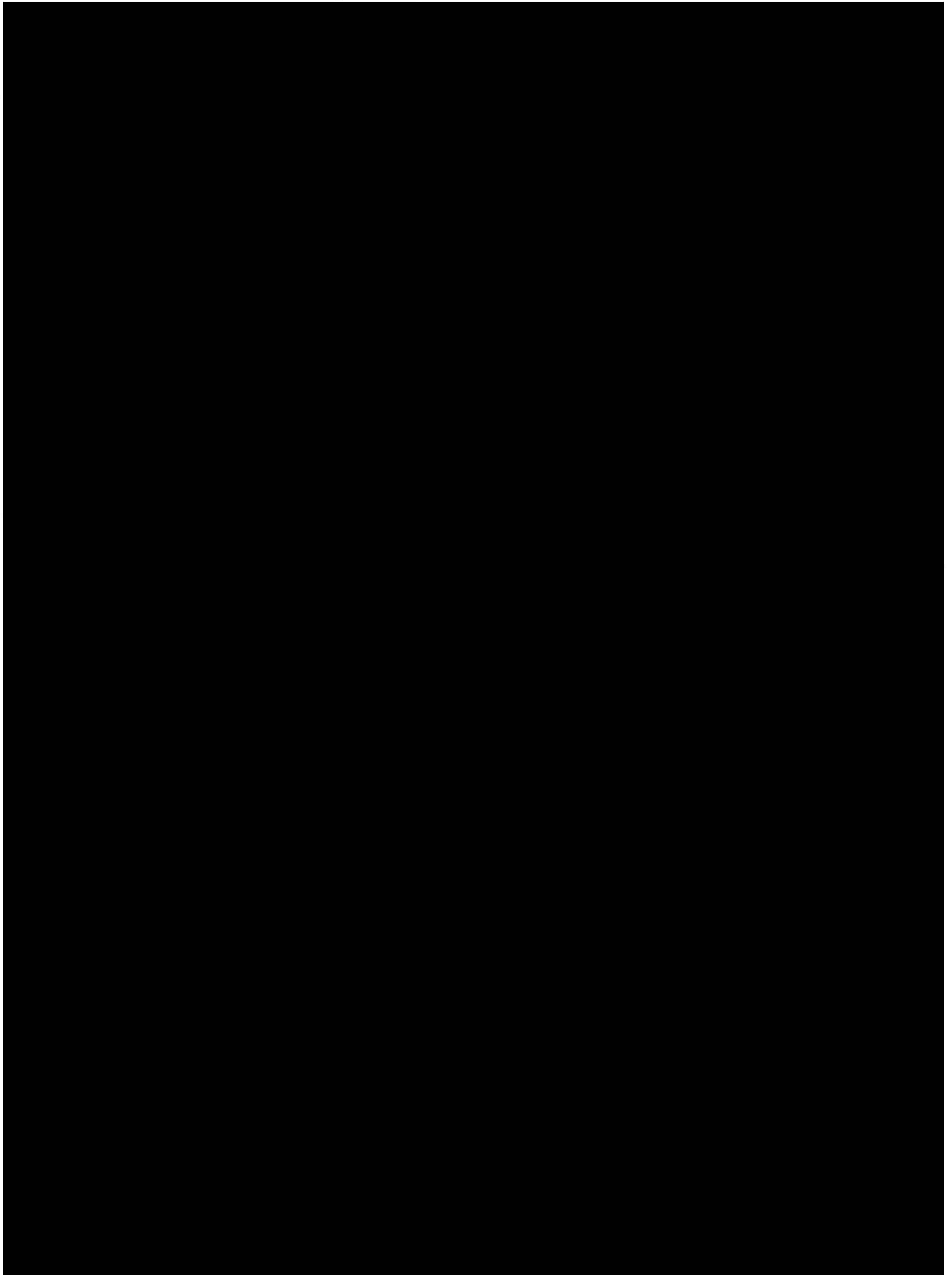
15 W. 37th Street 4th Floor
New York, NY 10018
212.581.8870











CONFIDENTIAL

IRI-SU-000053



Exhibit M

BAKER BOTTS L.L.P.
John M. Taladay (*pro hac vice*)
Evan J. Werbel (*pro hac vice*)
Thomas E. Carter (*pro hac vice*)
Andrew L. Lucarelli (*pro hac vice*)
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tom.carter@bakerbotts.com
drew.lucarelli@bakerbotts.com

*Attorneys for Defendants
Irico Group Corp. and
Irico Display Devices Co., Ltd.*

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION,

) Master File No. 07-cv-05944-JST

) MDL No.: 1917

THIS DOCUMENT RELATES TO:

ALL DIRECT PURCHASER ACTIONS

ALL INDIRECT PURCHASER ACTIONS

) **DECLARATION OF ZHANG
WENKAI IN SUPPORT OF
DEFENDANTS IRICO GROUP
CORP. AND IRICO DISPLAY
DEVICES CO., LTD.'S
EMERGENCY MOTION FOR
RELIEF FROM SCHEDULING
ORDER (CIV. L.R. 16-2(d))**

1 I, Zhang Wenkai, declare as follows:

2 1. I am a citizen of the People's Republic of China and reside in Shaanxi Province,
3 People's Republic of China.

4 2. I make this declaration in support of the Motion for Relief from Scheduling
5 Order filed by Irico Group Corp. ("Irico Group") and Irico Display Devices Co., Ltd.'s ("Irico
6 Display," collectively, the "Irico Defendants").

7 3. I am currently the Deputy General Counsel for Irico Group Corp. and have been
8 involved in the day-to-day management of this litigation since I started with the company in
9 September 2017. I have also been involved with the coordination of the depositions for Irico
10 witnesses Wang Zhaojie and Su Xiaohua since August 2021, and the deposition of Yan
11 Yunlong since December 2021.

12 4. I understand that, until earlier this week, under the pandemic protection
13 requirements of the health department of Shaanxi Province, People's Republic of China, where
14 the Irico Defendants are headquartered, any witnesses returning from Macau would have been
15 subject to quarantine obligations consisting of a minimum of twenty-one days in a government-
16 run facility and an additional seven days of home confinement ("21+7 Day Policy"). I further
17 understand that on June 27, 2022, based on a recent change in the national pandemic prevention
18 policy, the Shaanxi provincial authorities updated their quarantine provisions to require a
19 minimum of fourteen days in a government-run facility and an additional seven days of home
20 confinement ("14+7 Day Policy"). It is also my understanding that these times can be increased
21 at the sole discretion of the Shaanxi Province authorities.

22 5. I worked with Wang Zhaojie, Su Xiaohua, and Yan Yunlong during the process
23 of applying for the visas necessary to travel to Macau in May 2022. All three witnesses
24 cooperated during this process, including providing all necessary information and
25 documentation required to obtain the visas.

26 6. Su Xiaohua formally resigned from Irico on May 25, 2022. I contacted Mr. Su
27 and learned that Mr. Su resigned because he refused to travel to Macau for a deposition given
28 the severe quarantine requirements that he would face upon his return to mainland China (21+7

1 Policy) and his ongoing care of his elderly mother.

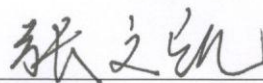
2 7. On June 8, 2022, Irico received visas authorizing Wang Zhaojie, Su Xiaohua, and
3 Yan Yunlong to travel to Macau for the depositions.

4 8. After Irico obtained the travel visas, Wang Zhaojie informed me that he would not
5 agree to travel to Macau for his deposition. Mr. Wang cited concerns about the 21+7 Day Policy
6 and the resulting impacts to his family and ongoing work obligations as reasons for his refusal.
7 The recent change to the 14+7 Day Policy has not changed Mr. Wang's decision regarding the
8 travel for the deposition at this time. Mr. Wang informed me that he was willing to travel to
9 Macau once the quarantine restrictions had been lifted.

10 9. Additionally, Yan Yunlong informed me that he would not agree to travel to
11 Macau for his deposition after the visas were obtained. Mr. Yan cited similar concerns about the
12 21+7 Day Policy and how that would impact Mr. Yan's ability to care for his elderly father who
13 is currently hospitalized. Mr. Yan has been regularly traveling to the hospital to assist in his
14 father's care. Mr. Yan also cited concerns about the impact to the company given his role as
15 General Counsel. The recent change to the 14+7 Day Policy has not changed Mr. Yan's decision
16 regarding the travel for the deposition at this time. Mr. Yan informed me that he was willing to
17 travel to Macau once the quarantine restrictions had been lifted.

18 10. After Mr. Wang and Mr. Yan initially refused to travel to Macau, Irico made
19 assurances to Mr. Wang and Mr. Yan that their work obligations will be covered by other
20 employees, that Irico will cover all quarantine-related expenses for 21 days, that Irico will
21 compensate the witnesses at double their normal pay rate, and that Irico will give the witnesses a
22 bonus financial incentive as a result of the over one-month continuous period that the witness
23 will be required to be separated from their families. Mr. Wang and Mr. Yan still refuse to travel
24 to Macau at this time.

25 Executed this 30th day of June, 2022, in Xianyang, Shaanxi Province, People's Republic
26 of China.

27 

28 Mr. Zhang Wenkai

Exhibit N

BAKER BOTTS L.L.P.
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Thomas E. Carter (*pro hac vice*)
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Jonathan Shapiro (State Bar No. 257199)
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(415) 291-6300 (fax)
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Attorneys for Defendants
IRICO GROUP CORP. and
IRICO DISPLAY DEVICES CO., LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 07-cv-05944-JST
(N.D. Cal.)

MDL No. 1917

This Document Relates to:
ALL DIRECT PURCHASER ACTIONS

**IRICO DEFENDANTS' OBJECTIONS
AND RESPONSES TO DIRECT
PURCHASER PLAINTIFF ARCH
ELECTRONICS INC.'S FIRST SET OF
INTERROGATORIES TO IRICO
GROUP CORPORATION AND IRICO
DISPLAY DEVICES CO, LTD.**

PROPOUNDING PARTY: ARCH ELECTRONICS, INC.

RESPONDING PARTIES: Irico Group Corporation
Irico Display Devices Co., Ltd.

SET NUMBER: One

IRICO'S OBJECTIONS AND RESPONSES TO
DPP ARCH ELECTRONICS INC.'S FIRST SET
INTERROGATORIES

Master File No. 07-cv-05944-JST
MDL No. 1917

Pursuant to Federal Rules of Civil Procedure 26 and 33, Irico Group Corporation and Irico Display Devices Co, Ltd. (collectively, “Irico” or “Irico Defendants”) hereby provides this response to Direct Purchaser Plaintiff Arch Electronics, Inc.’s (“Plaintiff”) First Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., dated December 13, 2021 (“Interrogatories”). Irico reserves the right to amend or supplement these Objections and Responses (the “Responses”) to the extent allowed by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California (“Local Rules”). Subject to and without waiving any of Irico’s General and Specific Objections as set forth below, Irico is willing to meet and confer with Plaintiff regarding such General and Specific Objections.

The following Responses are made only for purposes of this case. The Responses are subject to all objections as to relevance, materiality and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court. All evidentiary objections and grounds are expressly reserved.

These Responses are subject to the provisions of the Stipulated Protective Order that the Court issued on June 18, 2008 (“Protective Order”). Irico’s Responses are hereby designated “Confidential” in accordance with the provisions of the Protective Order.

GENERAL OBJECTIONS

Irico makes the following General Objections to Plaintiff’s Interrogatories:

1. Irico’s Responses are based upon information available to and located by Irico as of the date of service of these Responses. In responding to Plaintiff’s Interrogatories, Irico states that it has conducted a diligent search, reasonable in scope, of those files and records in its possession, custody, or control believed to likely contain information responsive to Plaintiff’s Interrogatories.

2. No express, incidental, or implied admissions are intended by these Responses and should not be read or construed as such.

3. Irico does not intend, and its Responses should not be construed as, an agreement or acquiescence with any characterization of fact, assumption, or conclusion of law contained in

1 or implied by the Interrogatories.

2 4. Irico objects to Plaintiff's Interrogatories to the extent that they are overly broad,
3 unduly burdensome, oppressive, and duplicative to the extent that they seek information or
4 documents that are already in the possession, custody, or control of Plaintiff.

5 5. Irico objects to Plaintiff's Interrogatories to the extent that they seek to impose
6 obligations on Irico beyond those of the Federal Rules of Civil Procedure, the Local Rules, or any
7 Order of this Court.

8 6. Irico objects to Plaintiff's Interrogatories to the extent that they request duplicative
9 discovery in violation of the Order Re Discovery And Case Management Protocol, ECF No.
10 1128. *See* Order Re Plaintiffs' Motions To Compel Supplemental Discovery From Toshiba And
11 Panasonic, ECF No. 4128, at 4 ("The Discovery Protocol (ECF No 1128), requires parties to
12 coordinate discovery and not file duplicative discovery. . . . The benefit redounds to all parties on
13 both sides of the litigation, by conserving the efforts required by plaintiffs and protecting
14 defendants against unnecessary duplication of effort.") (Report and Recommendation adopted in
15 full at ECF No. 4256).

16 7. Irico objects to Plaintiff's Interrogatories to the extent they seek information that is
17 not relevant or disproportionate to the needs of the case.

18 8. Irico objects to Plaintiff's Interrogatories to the extent that they are vague,
19 ambiguous, or susceptible to more than one interpretation. Irico shall attempt to construe such
20 vague or ambiguous Interrogatories so as to provide for the production of responsive information
21 that is proportionate to the needs of the case. If Plaintiff subsequently asserts an interpretation of
22 any Interrogatory that differs from Irico's understanding, Irico reserves the right to supplement or
23 amend its Responses.

24 9. Irico objects to Plaintiff's Interrogatories to the extent that they contain terms that
25 are insufficiently or imprecisely defined. Irico shall attempt to construe such vague or ambiguous
26 Interrogatories so as to provide for the production of responsive information that is proportionate
27 to the needs of the case.

28 10. Irico objects to Plaintiff's Interrogatories to the extent that they seek information

1 that is protected from disclosure by the attorney-client privilege, work product doctrine, joint
2 defense or common interest privilege, self-evaluative privilege, or any other applicable privilege
3 or immunity. Irico has provided only information that it believes to be non-privileged and
4 otherwise properly discoverable. Nothing in Irico's responses is intended nor should be construed
5 as a waiver of any such privilege or immunity. The inadvertent or mistaken provision of any
6 information or responsive documents subject to any such doctrine, privilege, protection or
7 immunity from production shall not constitute a general, inadvertent, implicit, subject-matter,
8 separate, independent or other waiver of such doctrine, privilege, protection or immunity from
9 production.

10 11. Irico objects to Plaintiff's Interrogatories to the extent that they call for
11 information that is not in the possession, custody, or control of Irico. Irico also objects to the
12 extent that any of Plaintiff's Interrogatories seek information from non-parties or third parties,
13 including but not limited to any of Irico's subsidiary or affiliated companies.

14 12. Irico objects to Plaintiff's Interrogatories to the extent that responding would
15 require Irico to violate the privacy and/or confidentiality of a third party or confidentiality
16 agreement with a third party.

17 13. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
18 that is publicly available, already in Plaintiffs' possession, custody, or control, or more readily
19 available from other sources.

20 14. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
21 or documents concerning transactions outside the United States. Such Interrogatories are unduly
22 burdensome and irrelevant to this pending action as Plaintiffs' class definition is confined to "all
23 persons . . . who directly purchased a Cathode Ray Tube Product . . . in the United States" (see
24 Direct Purchaser Plaintiffs' Consolidated Amended Complaint dated March 16, 2009).

25 15. Irico objects to Plaintiff's Interrogatories to the extent that compliance would
26 require Irico to violate the laws, regulations, procedures, or orders of a judicial or regulatory body
27 of foreign jurisdictions.
28

1 16. Irico's responses, whether now or in the future, pursuant to Plaintiff's
2 Interrogatories should not be construed as either (i) a waiver of any of Irico's general or specific
3 objections or (ii) an admission that such information or documents are either relevant or
4 admissible as evidence.

5 17. Irico objects to Plaintiff's Interrogatories to the extent that they are compound
6 and/or contain discrete subparts in violation of Federal Rule of Civil Procedure 33(a)(1).

7 18. Irico objects to Plaintiff's Interrogatories to the extent that they state and/or call for
8 legal conclusions.

9 19. Irico objects to the Interrogatories to the extent that they contain express or
10 implied assumptions of fact or law with respect to the matters at issue in this case.

11 20. Irico objects to the Interrogatories to the extent they seek information or
12 documents that cannot be removed or transmitted outside China without violating the laws and
13 regulations of that country, including but not limited to restrictions on the transmission of state
14 secrets or trade secrets as those terms are defined under Chinese law.

15 21. Irico objects to the Interrogatories to the extent that they are "contention
16 interrogatories" regarding issues implicated by expert analysis and disclosures. *See Young v.*
17 *Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irico objects to
18 each Interrogatory to the extent that it is premature and/or to the extent that it: (a) conflicts with
19 obligations that are imposed by the Federal Rules of Civil Procedure, the Civil Local Rules of this
20 Court, and/or any other applicable rule; (b) seeks information that is the subject of expert
21 testimony; and/or (c) seeks information that is dependent on depositions and documents of third-
22 parties that have not been discovered.

23 22. Irico reserves the right to assert additional General and Specific Objections as
24 appropriate to supplement these Responses.

25 These General Objections apply to each Interrogatory as though restated in full in the
26 responses thereto. The failure to mention any of the foregoing General Objections in the specific
27 responses set forth below shall not be deemed as a waiver of such objections or limitations.
28

GENERAL OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Irico objects to the definitions of “Defendant,” “You,” and “Your” (Definition Nos. 1 and 2) to the extent that Plaintiff defines those terms to include Irico’s “subsidiaries, affiliates, agents, employees, attorneys, consultants, representatives and any other person or entity acting on their behalf or at their direction.” This definition is overbroad, unduly burdensome, vague, and ambiguous. Irico also objects to the inclusion of all “agents, employees, attorneys, consultants, representatives and any other person or entity acting on [Irico’s] behalf or at [Irico’s] direction” within this definition to the extent it purports to encompass information that is protected by attorney-client privilege, work product protection or any other applicable doctrine, privilege, protection or immunity or otherwise calls for a legal conclusion.

2. Irico objects to the definitions of “CRT” and “CRT Product” (Definition Nos. 4 and 5) on the grounds that they are vague, ambiguous and overly broad. Irico further objects to the use of the term “CRT Products” to the extent that it is inconsistent with the definition of “CRT Products” as set forth in Plaintiff’s pleadings

3. Irico objects to the definition of “Person” (Definition No. 12) on the grounds that it calls for a legal conclusion and is otherwise vague, ambiguous, and overly broad. Irico further objects to this definition to the extent that it attempts to impose burdens on Irico beyond those imposed by the Federal Rules of Civil Procedure. Irico further objects to this definition to the extent that it seeks information protected by the attorney client or other applicable privilege, attorney work product doctrine, or otherwise seeks to violate rights of privacy under U.S. or foreign law.

4. Irico objects to the definition of “Document” (Definition No. 13) to the extent it seeks to impose requirements that are beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any other applicable laws.

5. Irico objects to the definition of “Identify” (Definition No. 14) to the extent it seeks to impose requirements that are beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any other applicable laws.

6. Irico objects to the Instructions (related to the production of business records in

1 response to an interrogatory pursuant to Federal Rule of Civil Procedure 33(d)) on the grounds
 2 that it is unduly burdensome and purports to impose burdens and obligations upon Irico beyond
 3 those required by the Federal Rules of Civil Procedure or other applicable rule or Order of this
 4 Court.

5 **SPECIFIC RESPONSES TO INTERROGATORIES**

6 **INTERROGATORY NO. 1**

7 To the extent that your answer to any of DPP Arch Electronics Inc.'s First Set of
 8 Requests for Admission to Irico Group Corporation and Irico Display Devices, Co. Ltd, served
 9 herewith, is anything other than an unqualified admission:

- 10 (a) State the facts that You rely on to support Your denial or partial denial;
- 11 (b) Identify each Person You contend has knowledge of facts that support Your
 12 denial or partial denial; and
- 13 (c) Identify each Document You contend supports Your denial or partial denial.

14 **RESPONSE TO INTERROGATORY NO. 1**

15 Irico reasserts and incorporates each of the General Objections and Objections to the
 16 Definitions and Instructions set forth above. Irico also reasserts and incorporates each of the
 17 General Objections, Objections to the Definitions and Instructions, and objections in each of its
 18 Specific Responses to Requests for Admission as set forth in Irico Defendants' Objections and
 19 Responses to Direct Purchaser Plaintiff Arch Electronic, Inc.'s First Set of Requests for
 20 Admission, served herewith. Irico further objects to this interrogatory as overbroad and unduly
 21 burdensome, as Plaintiff has not demonstrated how the benefit of such information outweighs the
 22 significant burden to Irico of responding to each denial of the 167 RFAs propounded by
 23 Plaintiffs.

24 Subject to and without waiving the foregoing objections, Irico responds as follows:

25 **RESPONSE RE: REQUEST FOR ADMISSION NO. 1**

26 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
 27 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
 28 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information

1 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
2 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
3 conclusion. Irico further objects to the use of the terms “unqualified,” “knowledge,” and
4 “support” because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
5 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
6 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
7 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
8 provide facts and evidence of events that did not take place.

9 Subject to and without waiving the objections stated above and pursuant to FRCP 33(d)
10 and not limited to the following, Irico states that despite the Interrogatory’s demand for proof of
11 facts and evidence of events that did not take place, Irico relies on the following evidence:
12 Irico Defendants’ Second Supplemental Objections and Responses to Direct Purchaser Plaintiffs’
13 First Set of Interrogatories, May 3, 2021; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico
14 Display Devices Co., Ltd., March 6-8, 2019; Expert Report of Robert D. Willig, December 17,
15 2012; Expert Report of Janusz A. Ordover, Ph.D., (IPP Report), August 5, 2014; Expert Report of
16 Janusz A. Ordover, Ph. D., (Various DAP Reports); Expert Report of Robert D. Willig, August 5,
17 2014; Expert Report of Margaret E. Guerin-Calvert, August 5, 2014; and Expert Report of Prof.
18 Dennis W. Carlton, August 5, 2014.

19 Irico identifies the following employees as having knowledge regarding this Interrogatory:
20 Wang Zhaojie and Su Xiaohua.

21 **RESPONSE RE: REQUEST FOR ADMISSION NO. 2**

22 In addition to Irico’s General Objections, which Irico incorporates by reference, Irico
23 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
24 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
25 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
26 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
27 conclusion. Irico further objects to the use of the terms “unqualified,” “knowledge,” and
28 “support” because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly

1 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
2 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
3 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
4 provide facts and evidence of events that did not take place.

5 Subject to and without waiving the objections stated above, and despite the Interrogatory's
6 demand for proof of facts and evidence of events that did not take place, Irico refers Plaintiffs to
7 its response to Request for Admission No. 2, which contains a complete basis for its response to
8 this Interrogatory.

9 **RESPONSE RE: REQUEST FOR ADMISSION NO. 3**

10 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
11 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
12 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
13 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
14 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
15 conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and
16 "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
17 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
18 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
19 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
20 provide facts and evidence of events that did not take place.

21 Subject to and without waiving the objections stated above, and despite the Interrogatory's
22 demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence
23 has been brought in the above captioned matter that indicates that Irico manufactured, sold, or
24 distributed CRTs in the United States during the class period. In particular, Irico will be
25 producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the
26 United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser
27 Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico
28 Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14,

2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Third Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co., Ltd., March 6-8, 2019.

Irico identifies the following persons with knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

RESPONSE RE: REQUEST FOR ADMISSION NO. 4

In addition to Irico's General Objections, which Irico incorporates by reference, Irico specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to Plaintiffs or stated in publicly available documents. Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to provide facts and evidence of events that did not take place.

Subject to and without waiving the objections stated above, and despite the Interrogatory's demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence has been brought in the above captioned matter that indicates that Irico manufactured, sold, or distributed CRTs in the United States during the class period. In particular, Irico will be producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico

1 Display Devices Co., Ltd.’s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14,
 2 2021; Irico Defendants’ Sixth Supplemental Objections and Responses to Direct Purchaser
 3 Plaintiffs’ First Set of Interrogatories, January 7, 2022; Irico Defendants’ Third Supplemental
 4 Objections and Responses to Indirect Purchaser Plaintiffs’ First Set of Interrogatories, January 7,
 5 2022; Irico Defendants’ Supplemental Objections and Responses to Indirect Purchaser Plaintiffs’
 6 Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd.,
 7 January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co.,
 8 Ltd., March 6-8, 2019.

9 Irico identifies the following persons with knowledge regarding this Interrogatory: Wang
 10 Zhaojie and Su Xiaohua.

11 **RESPONSE RE: REQUEST FOR ADMISSION NO. 5**

12 In addition to Irico’s General Objections, which Irico incorporates by reference, Irico
 13 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
 14 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
 15 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
 16 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
 17 conclusion. Irico further objects to the use of the terms “unqualified,” “knowledge,” and
 18 “support” because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
 19 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
 20 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
 21 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
 22 provide facts and evidence of events that did not take place.

23 Subject to and without waiving the objections stated above, and despite the Interrogatory’s
 24 demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence
 25 has been brought in the above captioned matter that indicates that Irico manufactured, sold, or
 26 distributed CRTs in the United States during the class period. In particular, Irico will be
 27 producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the
 28 United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser

1 Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico
 2 Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14,
 3 2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct Purchaser
 4 Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Third Supplemental
 5 Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Interrogatories, January 7,
 6 2022; Irico Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs'
 7 Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd.,
 8 January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co.,
 9 Ltd., March 6-8, 2019.

10 Irico identifies the following persons with knowledge regarding this Interrogatory: Wang
 11 Zhaojie and Su Xiaohua.

12 **RESPONSE RE: REQUEST FOR ADMISSION NO. 6**

13 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
 14 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
 15 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
 16 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
 17 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
 18 conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and
 19 "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
 20 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
 21 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
 22 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
 23 provide facts and evidence of events that did not take place.

24 Subject to and without waiving the objections stated above, and despite the Interrogatory's
 25 demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence
 26 has been brought in the above captioned matter that indicates that Irico manufactured, sold, or
 27 distributed CRTs in the United States during the class period. In particular, Irico will be
 28 producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the

United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14, 2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Third Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co., Ltd., March 6-8, 2019.

Irico identifies the following persons with knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

RESPONSE RE: REQUEST FOR ADMISSION NO. 7

In addition to Irico's General Objections, which Irico incorporates by reference, Irico specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to Plaintiffs or stated in publicly available documents. Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to provide facts and evidence of events that did not take place.

Subject to and without waiving the objections stated above, and despite the Interrogatory's demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence has been brought in the above captioned matter that indicates that Irico manufactured, sold, or distributed CRTs in the United States during the class period. In particular, Irico will be

1 producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the
 2 United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser
 3 Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico
 4 Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14,
 5 2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct Purchaser
 6 Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Third Supplemental
 7 Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Interrogatories, January 7,
 8 2022; Irico Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs'
 9 Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd.,
 10 January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co.,
 11 Ltd., March 6-8, 2019.

12 Irico identifies the following persons with knowledge regarding this Interrogatory: Wang
 13 Zhaojie and Su Xiaohua.

14 **RESPONSE RE: REQUEST FOR ADMISSION NOS. 8-24**

15 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
 16 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
 17 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
 18 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
 19 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
 20 conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and
 21 "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
 22 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
 23 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
 24 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
 25 provide facts and evidence of events that did not take place.

26 Subject to and without waiving the objections stated above, Irico refers Plaintiffs to its
 27 responses to Request for Admission Nos. 8-24, which contain a complete basis for its response to
 28 this Interrogatory.

RESPONSE RE: REQUEST FOR ADMISSION NOS. 25-56 AND 61-160

In addition to Irico's General Objections, which Irico incorporates by reference, Irico specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to Plaintiffs or stated in publicly available documents. Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

Subject to and without waiving the objections stated above, Irico responds that its decision to admit, admit-in part and deny-in-part, deny, or state that it lacked sufficient information to admit or deny was based a reasonable review of the discovery responses from other Defendants available to Irico. Irico possesses no knowledge of its own regarding the corporate structure of the entities listed in the aforementioned Requests. This information is equally available to Plaintiffs as it is to Irico.

RESPONSE RE: REQUEST FOR ADMISSION NO. 57

In addition to Irico's General Objections, which Irico incorporates by reference, Irico specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to Plaintiffs or stated in publicly available documents. Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

1 Subject to and without waiving the objections stated above, Irico refers Plaintiffs to its
2 responses to Request for Admission No. 57, which contains a complete basis for its response to
3 this Interrogatory.

4 **RESPONSE RE: REQUEST FOR ADMISSION NO. 58**

5 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
6 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
7 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
8 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
9 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
10 conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and
11 "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
12 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
13 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
14 that Plaintiffs alone carry to Irico.

15 Subject to and without waiving the objections stated above, Irico refers Plaintiffs to its
16 responses to Request for Admission No. 58, which contains a complete basis for its response to
17 this Interrogatory.

18 **RESPONSE RE: REQUEST FOR ADMISSION NO. 59**

19 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
20 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
21 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
22 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
23 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
24 conclusion. Irico further objects to the use of the terms "unqualified," "knowledge," and
25 "support" because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
26 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
27 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
28 that Plaintiffs alone carry to Irico.

1 Subject to and without waiving the objections stated above, Irico responds that from July
2 1992 to February 1996, Irico Group held an indirect but controlling share of Irico Display. In
3 February 1996, Irico Group acquired a controlling 23.77% of the non-publicly traded shares of
4 Irico Display. In June 1999, Irico Group increased its shareholding in Irico Display to 57.9%. In
5 September 2004, Irico Group transferred its 56.14% interest in Irico Display to Irico Group
6 Electronics Co., Ltd. (“Irico Electronics”), a majority-owned subsidiary of Irico Group. From
7 2004 onward, Irico Group indirectly controlled Irico Display through its ownership interest in
8 Irico Electronics. In July 2006, Irico Electronics shareholding interest in Irico Display decreased
9 to 42.90%, however Irico Electronics maintained a controlling interest in Irico Display.

10 **RESPONSE RE: REQUEST FOR ADMISSION NO. 60**

11 In addition to Irico’s General Objections, which Irico incorporates by reference, Irico
12 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
13 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
14 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
15 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal
16 conclusion. Irico further objects to the use of the terms “unqualified,” “knowledge,” and
17 “support” because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
18 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
19 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
20 that Plaintiffs alone carry to Irico.

21 Subject to and without waiving the objections stated above, Irico refers Plaintiffs to its
22 Response re Request for Admission No. 59.

23 **RESPONSE RE: REQUEST FOR ADMISSION NOS. 161-167**

24 In addition to Irico’s General Objections, which Irico incorporates by reference, Irico
25 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
26 not reasonably calculated to lead to the discovery of admissible evidence, and seeks information
27 that is maintained by and equally available to Plaintiffs or stated in publicly available documents.
28 Irico also objects to this Interrogatory on the grounds that it calls for a legal argument or legal

1 conclusion. Irico further objects to the use of the terms “unqualified,” “knowledge,” and
2 “support” because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
3 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
4 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
5 that Plaintiffs alone carry to Irico.

6 Subject to and without waiving the objections stated above, Irico refers Plaintiffs to its
7 responses to Request for Admission Nos. 161-167, which contain a complete basis for its
8 response to this Interrogatory.

9 **INTERROGATORY NO. 2**

10 Describe Irico’s relationship with former employees including any obligations owed by
11 former employees to Irico, conditions imposed on severance or retirement benefit eligibility, or
12 similar policies and procedures.

13 **RESPONSE TO INTERROGATORY NO. 2**

14 Irico reasserts and incorporates each of the General Objections and Objections to the
15 Definitions and Instructions set forth above. Irico further objects to this interrogatory as
16 overbroad and unduly burdensome, as Plaintiff has not demonstrated how the benefit of such
17 information outweighs the significant burden to Irico of requiring the company to search through
18 historical records for such information. Irico also objects to this interrogatory to the extent it
19 purports to request information beyond the possession, custody, or control of Irico Group or Irico
20 Display, including but not limited to information in the possession of non-parties where Irico
21 lacks any duty to obtain or otherwise search for the information and for whom the Court lacks
22 personal jurisdiction. Irico further objects that this interrogatory is duplicative and cumulative of
23 other requests served on Irico, including but not limited to: Interrogatory No. 6 of Indirect
24 Purchaser Plaintiffs’ Third Set of Interrogatories. Such duplicative and cumulative requests
25 violate the Order Re Discovery And Case Management Protocol, ECF No. 1128. *See* Order Re
26 Plaintiffs’ Motions To Compel Supplemental Discovery From Toshiba And Panasonic, ECF No.
27 4128, at 4 (“The Discovery Protocol (ECF No 1128), requires parties to coordinate discovery and
28 not file duplicative discovery. . . . The benefit redounds to all parties on both sides of the

litigation, by conserving the efforts required by plaintiffs and protecting defendants against unnecessary duplication of effort.”) (Report and Recommendation adopted in full at ECF No. 4256).

Subject to and without waiving the objections stated above, Irico responds that no relationship exists with former employees. When an employee ends his employment with Irico, his/her employment files are transferred to either the employees’ new employer or, in the case of employees who retire from Irico, the archive management agency of the government of the People’s Republic of China. When an employee retires from Irico, and his/her pension and other benefits are paid directly by the government of the People’s Republic of China. Irico cannot impose conditions on severance or retirement benefit eligibility.

INTERROGATORY NO. 3

Do you contend that the market for CPTs was the same market, or a separate market, from the market for CDTs?

(a) State the facts that You rely on to support Your contention;

(b) Identify each Person You contend has knowledge of facts that support Your contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 3

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court’s schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). In particular, this Interrogatory concerning market definition for CRTs particularly implicates antitrust law and expert analysis, and is not ripe for a response at this stage of the litigation. Irigo reserves all rights to further supplement its responses at an appropriate time following the substantial completion of other fact and expert discovery. Irigo also objects to this

1 Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone
2 carry to Irico.

3 Subject to and without waiving the foregoing objections, Irico identifies the following
4 evidence under FRCP 33(d): Expert Report of Robert D. Willig, December 17, 2012; Expert
5 Report of Janusz A. Ordoover, Ph.D., (IPP Report), August 5, 2014; Expert Report of Janusz A.
6 Ordoover, Ph. D., (Various DAP Reports); Expert Report of Robert D. Willig, August 5, 2014;
7 Expert Report of Margaret E. Guerin-Calvert, August 5, 2014; and Expert Report of Prof. Dennis
8 W. Carlton, August 5, 2014.

9 **INTERROGATORY NO. 4**

10 Do You contend that You were a victim of the CRT conspiracy alleged in the
11 Complaint? If so:

- 12 1. State the facts that You rely on to support Your contention;
- 13 2. Identify each Person You contend has knowledge of facts that support
14 Your contention; and
- 15 3. Identify each Document You contend supports Your contention.

16 **RESPONSE TO INTERROGATORY NO. 4**

17 Irico reasserts and incorporates each of the General Objections and Objections to the
18 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
19 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
20 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
21 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
22 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
23 Cal. May 19, 2011). Irico reserves all rights to further supplement its responses at an appropriate
24 time following the substantial completion of other fact and expert discovery.

25 Subject to and without waiving the foregoing objections, and based on its present
26 knowledge, Irico responds that it does not contend at this time that it was a victim of the alleged
27 conspiracy.
28

INTERROGATORY NO. 5

Do You contend that You did not fix prices with other Defendants, Mitsubishi, Thomson or Videocom? If so:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and
- (c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 5

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). In particular, this Interrogatory concerning allegations at the core of Plaintiffs' claims particularly implicates legal and economic expert conclusions, and is not ripe for a response at this stage of the litigation. Irigo reserves all rights to further supplement its responses at an appropriate time following the substantial completion of other fact and expert discovery. Irigo also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irigo.

Subject to and without waiving the foregoing objections, and based on its present knowledge, Irigo directs Plaintiffs' to its Response to Interrogatory No. 1.

INTERROGATORY NO. 6

Do you contend that Your contacts with other CRT manufacturers had lawful, competitive purposes, for each contact? If so:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 6

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion. Irigo further objects to this interrogatory to the extent that it improperly tries to shift the pleading and evidentiary burden that Plaintiffs alone carry to Irigo.

Subject to and without waiving the foregoing objections, Irigo identifies the following evidence under FRCP 33(d): Expert Report of Robert D. Willig, December 17, 2012; Expert Report of Janusz A. Ordovery, Ph.D., (IPP Report), August 5, 2014; Expert Report of Janusz A. Ordovery, Ph. D., (Various DAP Reports); Expert Report of Robert D. Willig, August 5, 2014; Expert Report of Margaret E. Guerin-Calvert, August 5,/* 2014; and Expert Report of Prof. Dennis W. Carlton, August 5, 2014; Rule 30(b)(6) Deposition of Irigo Group Corp. and Irigo Display Devices Co., Ltd., March 6-8, 2019; Reply Brief of Irigo In Support of Motion to Set Aside Default at 10-11, ECF No. 5229; Exs. A – F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF Nos. 5229-02 through -07; IRI-CRT-00031457.

INTERROGATORY NO. 7

If you contend that any Samsung-branded color television or computer monitor sold in the United States during the Relevant Time Period contained CRTs that were not manufactured by a Defendant or alleged Co-Conspirator, please:

(a) State the facts that You rely on to support Your contention;

(b) Identify the brand, model number, size and time period sold in the United States each such CRT color television or computer monitor;

(c) Identify each Person You contend has knowledge of facts that support

1 Your contention; and

2 (d) Identify each Document You contend supports Your contention.

3 **RESPONSE TO INTERROGATORY NO. 7**

4 Irico reasserts and incorporates each of the General Objections and Objections to the
 5 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 6 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 7 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 8 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 9 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 10 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of
 11 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
 12 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all
 13 rights to further supplement its responses at an appropriate time following the substantial
 14 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent
 15 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

16 Subject to and without waiving the foregoing objections, and based on its present
 17 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
 18 contention.

19 **REQUEST FOR ADMISSION NO. 8**

20 If you contend that any Hitachi-branded color television or computer monitor sold in the
 21 United States during the Relevant Time Period contained CRTs that were not manufactured by a
 22 Defendant or alleged Co-Conspirator, please:

23 (a) State the facts that You rely on to support Your contention;

24 (b) Identify the brand, model number, size and time period sold in the United States
 25 each such CRT color television or computer monitor;

26 (c) Identify each Person You contend has knowledge of facts that support Your
 27 contention; and

28 (d) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 8

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of the viability of Plaintiffs' claims, but that are completely unrelated to Irigo, particularly implicate expert analysis, and thus are not ripe for a response at this stage of the litigation. Irigo reserves all rights to further supplement its responses at an appropriate time following the substantial completion of other fact and expert discovery. Irigo also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irigo.

Subject to and without waiving the foregoing objections, and based on its present knowledge, Irigo responds that it lacks sufficient information to form a belief as to this contention.

INTERROGATORY NO. 9

If you contend that any Mitsubishi-branded color television or computer monitor sold in the United States during the Relevant Time Period contained CRTs that were not manufactured by a Defendant or alleged Co-Conspirator, please:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify the brand, model number, size and time period sold in the United States each such CRT color television or computer monitor;
- (c) Identify each Person You contend has knowledge of facts that support Your contention; and
- (d) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 9

Irigo reasserts and incorporates each of the General Objections and Objections to the

1 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 2 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 3 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 4 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 5 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 6 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of
 7 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
 8 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all
 9 rights to further supplement its responses at an appropriate time following the substantial
 10 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent
 11 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

12 Subject to and without waiving the foregoing objections, and based on its present
 13 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
 14 contention.

15 **INTERROGATORY NO. 10**

16 If you contend that any Toshiba-branded color television or computer monitor sold in
 17 the United States during the Relevant Time Period contained CRTs that were not manufactured by
 18 a Defendant or alleged Co-Conspirator, please:

- 19 (a) State the facts that You rely on to support Your contention;
- 20 (b) Identify the brand, model number, size and time period sold in the United States
- 21 each such CRT color television or computer monitor;
- 22 (c) Identify each Person You contend has knowledge of facts that support Your
- 23 contention; and
- 24 (d) Identify each Document You contend supports Your contention.

25 **RESPONSE TO INTERROGATORY NO. 10**

26 Irico reasserts and incorporates each of the General Objections and Objections to the
 27 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 28 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.

1 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 2 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 3 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 4 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of
 5 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
 6 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all
 7 rights to further supplement its responses at an appropriate time following the substantial
 8 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent
 9 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

10 Subject to and without waiving the foregoing objections, and based on its present
 11 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
 12 contention.

13 **INTERROGATORY NO. 11**

14 If you contend that any Thomson, RCA or GE-branded color television or computer
 15 monitor sold in the United States during the Relevant Time Period contained CRTs that were not
 16 manufactured by a Defendant or alleged Co-Conspirator, please:

- 17 (a) State the facts that You rely on to support Your contention;
- 18 (b) Identify the brand, model number, size and time period sold in the United States
 19 each such CRT color television or computer monitor;
- 20 (c) Identify each Person You contend has knowledge of facts that support Your
 21 contention; and
- 22 (d) Identify each Document You contend supports Your Contention.

23 **RESPONSE TO INTERROGATORY NO. 11**

24 Irico reasserts and incorporates each of the General Objections and Objections to the
 25 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 26 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 27 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 28 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's

1 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 2 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of
 3 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
 4 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all
 5 rights to further supplement its responses at an appropriate time following the substantial
 6 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent
 7 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

8 Subject to and without waiving the foregoing objections, and based on its present
 9 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
 10 contention.

11 **INTERROGATORY NO. 12**

12 If you contend that any Philips-branded color television or computer monitor sold in the
 13 United States during the Relevant Time Period contained CRTs that were not manufactured by a
 14 Defendant or alleged Co-Conspirator, please:

- 15 (a) State the facts that You rely on to support Your contention;
- 16 (b) Identify the brand, model number, size and time period sold in the United States
 17 each such CRT color television or computer monitor;
- 18 (c) Identify each Person You contend has knowledge of facts that support Your
 19 contention; and
- 20 (d) Identify each Document You contend supports Your contention

21 **RESPONSE TO INTERROGATORY NO. 12**

22 Irico reasserts and incorporates each of the General Objections and Objections to the
 23 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 24 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 25 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 26 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 27 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 28 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of

1 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
 2 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all
 3 rights to further supplement its responses at an appropriate time following the substantial
 4 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent
 5 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

6 Subject to and without waiving the foregoing objections, and based on its present
 7 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
 8 contention.

9 **INTERROGATORY NO. 13**

10 If you contend that any LG-branded color television or computer monitor sold in the
 11 United States during the Relevant Time Period contained CRTs that were not manufactured by a
 12 Defendant or alleged Co-Conspirator, please:

- 13 (a) State the facts that You rely on to support Your contention;
- 14 (b) Identify the brand, model number, size and time period sold in the United States
 15 each such CRT color television or computer monitor;
- 16 (c) Identify each Person You contend has knowledge of facts that support Your
 17 contention; and
- 18 (e) Identify each Document You contend supports Your contention.

19 **RESPONSE TO INTERROGATORY NO. 13**

20 Irico reasserts and incorporates each of the General Objections and Objections to the
 21 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 22 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 23 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 24 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 25 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 26 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of
 27 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
 28 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all

1 rights to further supplement its responses at an appropriate time following the substantial
 2 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent
 3 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

4 Subject to and without waiving the foregoing objections, and based on its present
 5 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
 6 contention.

7 **INTERROGATORY NO. 14**

8 If you contend that any Panasonic-branded color television or computer monitor sold in
 9 the United States during the Relevant Time Period contained CRTs that were not manufactured
 10 by a Defendant or alleged Co-Conspirator, please:

- 11 (a) State the facts that You rely on to support Your contention;
- 12 (b) Identify the brand, model number, size and time period sold in the United States
 13 each such CRT color television or computer monitor;
- 14 (c) Identify each Person You contend has knowledge of facts that support
 15 Your contention; and
- 16 (d) Identify each Document You contend supports Your contention.

17 **RESPONSE TO INTERROGATORY NO. 14**

18 Irico reasserts and incorporates each of the General Objections and Objections to the
 19 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 20 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 21 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 22 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 23 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 24 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of
 25 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
 26 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all
 27 rights to further supplement its responses at an appropriate time following the substantial
 28 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent

1 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

2 Subject to and without waiving the foregoing objections, and based on its present
3 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
4 contention.

5 **INTERROGATORY NO. 15**

6 If you contend that any NEC-branded color television or computer monitor sold in the
7 United States during the Relevant Time Period contained CRTs that were not manufactured by a
8 Defendant or alleged Co-Conspirator, please:

- 9 (a) State the facts that You rely on to support Your contention;
10 (b) Identify the brand, model number, size and time period sold in the United States
11 each such CRT color television or computer monitor;
12 (c) Identify each Person You contend has knowledge of facts that support Your
13 contention; and
14 (d) Identify each Document You contend supports Your contention.

15 **RESPONSE TO INTERROGATORY NO. 15**

16 Irico reasserts and incorporates each of the General Objections and Objections to the
17 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
18 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
19 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
20 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
21 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
22 Cal. May 19, 2011). In particular, this Interrogatory concerning allegations that go to the core of
23 the viability of Plaintiffs' claims, but that are completely unrelated to Irico, particularly implicate
24 expert analysis, and thus are not ripe for a response at this stage of the litigation. Irico reserves all
25 rights to further supplement its responses at an appropriate time following the substantial
26 completion of other fact and expert discovery. Irico also objects to this Interrogatory to the extent
27 it improperly tries to shift the evidentiary burden that Plaintiffs alone carry to Irico.

28 Subject to and without waiving the foregoing objections, and based on its present

1 knowledge, Irico responds that it lacks sufficient information to form a belief as to this
2 contention.

3 **INTERROGATORY NO. 16**

4 As to Your contention in the Second Defense set forth in Your Answer that Direct
5 Purchaser Plaintiffs' claims are barred because Plaintiffs have failed to allege facts sufficient to
6 support a claim under the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a:

- 7 (a) State the facts that You rely on to support Your contention;
8 (b) Identify each Person You contend has knowledge of facts that support Your
9 contention; and
10 (c) Identify each Document You contend supports Your contention; and
11 (d) Identify the damages, if any, Plaintiffs claim based on sales outside of the United
12 States

13 **RESPONSE TO INTERROGATORY NO. 16**

14 Irico reasserts and incorporates each of the General Objections and Objections to the
15 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
16 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
17 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
18 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
19 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
20 Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it calls for a legal
21 argument or legal conclusion. Irico further objects to this interrogatory to the extent that it
22 improperly tries to shift the pleading and evidentiary burden that Plaintiffs alone carry to Irico.
23 Irico also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary
24 burden that Plaintiffs alone carry to Irico.

25 Subject to and without waiving the objections stated above, Irico contends that Plaintiffs
26 have failed to allege facts sufficient to support a claim under the Foreign Trade Antitrust
27 Improvements Act ("FTAIA"), 15 U.S.C. § 6a. At all relevant times, the North American CRT
28 market was unique and separate from other foreign markets, including China. In supporting its

claims, Plaintiffs rely on alleged meetings and communications that occurred outside the United States that discuss and relate to CRTs sold outside the United States. Plaintiffs have not established how it is entitled to any relief under FTAIA based on their purchases of either CRT products outside of the United States or their purchase of CRT products containing CRTs manufactured and/or purchased outside the United States. Irico also identifies the following evidence under FRCP 33(d): Irico Group Corporation's Amended Motion to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)), March 19, 2019; Irico Display Devices Co., Ltd.'s Amended Motion to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)), March 19, 2019; Irico Defendants' Reply in Support of Amended Motions to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)), May 2, 2019.

INTERROGATORY NO. 17

As to Your contention in the Third Defense set forth in Your Answer that Direct Purchaser Plaintiffs' claims are barred because the alleged conduct occurred outside the jurisdiction of the Court or was neither directed to nor affected persons, entities, trade or commerce in the United States, or both:

(a) State the facts that You rely on to support Your contention;

(b) Identify each Person You contend has knowledge of facts that support Your contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 17

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.

Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion. Irico further objects to this interrogatory to the extent that it improperly tries to shift the pleading and evidentiary burden that Plaintiffs alone carry to Irico.

Subject to and without waiving the objections stated above, and despite the Interrogatory's demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence has been brought in the above captioned matter that indicates that Irico manufactured, sold, or distributed CRTs in the United States during the class period. In particular, Irico will be producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14, 2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Third Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., January 21, 2022; Rule 30(b)(6) Deposition of Irico Group Corp. and Irico Display Devices Co., Ltd., March 6-8, 2019.

Irico identifies the following persons with knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

INTERROGATORY NO. 18

As to Your contention in the Eighth Defense set forth in your Answer that Irico's actions or practices were undertaken unilaterally for legitimate business reasons and in pursuit of Irico's independent interests and those of its customers:

- (a) State the facts that you rely on to support your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 18

Irico reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion.

Subject to and without waiving the objections stated above, Irigo contends that its acts or practices were undertaken unilaterally for legitimate business reasons and in pursuit of Irigo's independent interests. In addition, Irigo asserts no evidence has been brought in the above captioned matter that indicates that its actions were not undertaken unilaterally for legitimate business reasons and in pursuit of Irigo's independent interests. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Irigo relies on the following evidence to support its contention that at all times its acts or practices were undertaken unilaterally for legitimate business reasons and in pursuit of Irigo's independent interests: Reply Brief of Irigo In Support of Motion to Set Aside Default at 10-11, ECF No. 5229; Exs. A – F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF Nos. 5229-02 through -07; IRI-CRT-00010133; IRI-CRT-00010449; IRI-CRT-00010468; IRI-CRT-00026812; IRI-CRT-00030226; IRI-CRT-00030865; IRI-CRT-00031457; BMCC-CRT000002761; BMCC-CRT000002762; CHU00029175E; CHU00029179E; CHU00029259E; CHU00030067E; CHU00030777E; CHU00030941E; CHU00030973E; CHU00031018E; CHU00031032; CHU00031044E; and, CHU00031070E.

Irico identifies the following employees as having knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

INTERROGATORY NO. 19

As to Your contention in the Eighth Defense set forth in your Answer that Irico's actions and practices were not the product of any contract, combination or conspiracy with any other person or entity:

- (a) State the facts that you rely on to support your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and
- (c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 19

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion.

Subject to and without waiving the objections stated above, Irigo contends that Irigo's pricing-related conduct was compelled by the Chinese government and based on duly enacted laws and/or regulations of the People's Republic of China. Irigo relies on the following evidence to support this contention:

- The State Planning Commission and the State Economic and Trade Commission issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See Ex. A to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default*, ECF No. 5229-02.

- 1 • Notice of the State Planning Commission on Issuing the "Measures for the
2 Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial
3 Implementation)" – effective as of March 1, 1999. *See*
4 <https://law.lawtime.cn/d448076453170.html>.
- 5 • Notice of the State Planning Commission and the Ministry of Information Industry
6 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
7 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
8 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
9 Default, ECF No. 5229-03.
- 10 • Notice on submitting cost information of color TV and color tube industry issued
11 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
12 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05.
- 13 • Notice on the issuance of the average production cost of some types of color
14 picture tubes and color TV industries issued by the Ministry of Information
15 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
16 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
17 ECF No. 5229-04.
- 18 • Notice on the issuance of the average production cost of certain types of color TV
19 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
20 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
21 Default, ECF No. 5229-06.
- 22 • Notice on the issuance of the average production cost of some industries of color
23 picture tubes issued by the Ministry of Information Industry on September 14,
24 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to
25 Set Aside Default, ECF No. 5229-07.

26 Irico identifies the following employees as having knowledge regarding this Interrogatory:

27 Wang Zhaojie and Su Xiaohua.

28 **INTERROGATORY NO. 20**

As to Your contention in the Tenth Defense set forth in your Answer that Your acts or practices that are the subject of the complaint were cost justified or otherwise economically justified and resulted from a good faith effort to meet competition or market conditions:

(a) State the facts that you rely on to support your contention;

(b) Identify each Person you contend has knowledge of facts that support Your contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 20

Irco reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irco further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irco asserts that such discovery is premature given that no Irco witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irco also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion.

Subject to and without waiving the objections stated above, Irco contends that its acts or practices were cost justified or otherwise economically justified, and resulted from a good faith effort to meet competition or market conditions. In addition, Irco asserts no evidence has been brought in the above captioned matter that indicates any action or practice of Irco was not cost justified, otherwise economically justified, or did not result from a good faith effort to meet competition or market conditions. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Irco relies on the following evidence to support its contention that at all times its acts or practices were cost justified or otherwise economically justified, and resulted from a good faith effort to meet competition or market conditions: Reply Brief of Irco In Support of Motion to Set Aside Default at 10-11, ECF No. 5229; Exs. A – F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF Nos. 5229-02 through -07; IRI-CRT-00010133; IRI-CRT-

00010449; IRI-CRT-00010468; IRI-CRT-00026812; IRI-CRT-00030226; IRI-CRT-00030865;
 IRI-CRT-00031457; BMCC-CRT000002761; BMCC-CRT000002762; CHU00029175E;
 CHU00029179E; CHU00029259E; CHU00030067E; CHU00030777E; CHU00030941E;
 CHU00030973E; CHU00031018E; CHU00031032; CHU00031044E; and, CHU00031070E.

Irico identifies the following employees as having knowledge regarding this Interrogatory:
 Wang Zhaojie and Su Xiaohua.

INTERROGATORY NO. 21

As to Your contention in the Eleventh Defense set forth in your Answer that Your conduct
 that is the subject of the Complaint was caused by, due to, based upon, or in response to
 directives, laws, regulations, policies, and/or acts of governments, governmental agencies and
 entities, and/or regulatory agencies, and such is non-actionable or privileged:

- (a) State the facts that you rely on to support your contention;
- (b) Identify each Person you contend has knowledge of facts that support Your
 contention; and
- (c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 21

Irico reasserts and incorporates each of the General Objections and Objections to the
 Definitions and Instructions set forth above. Irco further objects that this Interrogatory is a
 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 Irco asserts that such discovery is premature given that no Irco witnesses have been deposed
 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 Cal. May 19, 2011). Irco also objects to this interrogatory on the ground that it calls for a legal
 argument or legal conclusion.

Subject to and without waiving the objections stated above, Irco contends that Irco's
 pricing-related conduct was compelled by the Chinese government and based on duly enacted
 laws and/or regulations of the People's Republic of China. Irco relies on the following evidence
 to support this contention:

- 1 • The State Planning Commission and the State Economic and Trade Commission
2 issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced
3 Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the
4 Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF
5 No. 5229-02.
- 6 • Notice of the State Planning Commission on Issuing the "Measures for the
7 Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial
8 Implementation)" – effective as of March 1, 1999. *See*
9 <https://law.lawtime.cn/d448076453170.html>.
- 10 • Notice of the State Planning Commission and the Ministry of Information Industry
11 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
12 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
13 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
14 Default, ECF No. 5229-03.
- 15 • Notice on submitting cost information of color TV and color tube industry issued
16 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
17 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05.
- 18 • Notice on the issuance of the average production cost of some types of color
19 picture tubes and color TV industries issued by the Ministry of Information
20 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
21 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
22 ECF No. 5229-04.
- 23 • Notice on the issuance of the average production cost of certain types of color TV
24 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
25 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
26 Default, ECF No. 5229-06.
- 27 • Notice on the issuance of the average production cost of some industries of color
28 picture tubes issued by the Ministry of Information Industry on September 14,

2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-07.

Irigo identifies the following employees as having knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

INTERROGATORY NO. 22

As to your contention in the Twelfth Defense set forth in your Answer that Your conduct that is the subject of the Complaint was caused by or in response to duly enacted laws and/or regulations of the People's Republic of China and is therefore protected under the foreign sovereign compulsion doctrine, the act of state doctrine, and international comity:

(a) State the facts that you rely on to support your contention;

(b) Identify each Person you contend has knowledge of facts that support Your contention; and

(c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 22

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion.

Subject to and without waiving the objections stated above, Irigo contends that Irigo's pricing-related conduct was compelled by the Chinese government and based on duly enacted laws and/or regulations of the People's Republic of China. Irigo relies on the following evidence to support this contention:

- The State Planning Commission and the State Economic and Trade Commission issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced

1 Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the
2 Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF
3 No. 5229-02.

- 4 • Notice of the State Planning Commission on Issuing the "Measures for the
5 Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial
6 Implementation)" – effective as of March 1, 1999. *See*
7 <https://law.lawtime.cn/d448076453170.html>.
- 8 • Notice of the State Planning Commission and the Ministry of Information Industry
9 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
10 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
11 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
12 Default, ECF No. 5229-03.
- 13 • Notice on submitting cost information of color TV and color tube industry issued
14 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
15 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05.
- 16 • Notice on the issuance of the average production cost of some types of color
17 picture tubes and color TV industries issued by the Ministry of Information
18 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
19 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
20 ECF No. 5229-04.
- 21 • Notice on the issuance of the average production cost of certain types of color TV
22 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
23 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
24 Default, ECF No. 5229-06.
- 25 • Notice on the issuance of the average production cost of some industries of color
26 picture tubes issued by the Ministry of Information Industry on September 14,
27 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to
28 Set Aside Default, ECF No. 5229-07.

1 Irico identifies the following employees as having knowledge regarding this Interrogatory:
 2 Wang Zhaojie and Su Xiaohua.

3 **INTERROGATORY NO. 23**

4 As to your contention in the Thirty-Seventh Defense set forth in your Answer that
 5 Plaintiffs' claims are barred because Plaintiffs may not recover damages based on sales outside of
 6 the United States:

- 7 (a) Identify the damages, if any, Plaintiffs claim based on sales outside of the United
- 8 States;
- 9 (b) State the facts that you rely on to support your contention;
- 10 (c) Identify each Person you contend has knowledge of facts that support Your
- 11 contention; and
- 12 (d) Identify each Document You contend supports Your contention

13 **RESPONSE TO INTERROGATORY NO. 23**

14 Irico reasserts and incorporates each of the General Objections and Objections to the
 15 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 16 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 17 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 18 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 19 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 20 Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it calls for a legal
 21 argument or legal conclusion.

22 Subject to and without waiving the objections stated above, Irico contends that Plaintiffs'
 23 claims are barred in whole or in part to the extent that they are based on sales outside of the
 24 United States. Irico contends that a certain unknown percentage of the CRTs contained within the
 25 CRT products that Plaintiffs purchased were purchased from other countries. This contention is
 26 based on the fact that Plaintiffs cannot identify which company manufactured the CRT within the
 27 relevant CRT products. In the absence of knowing who manufactured the CRTs within its
 28 products, Plaintiffs likewise cannot identify whether those CRTs were purchased from outside the

United States. Whether the CRTs themselves were purchased outside of the United States is relevant in determining if Plaintiffs' claims are barred because Plaintiffs alleged that they were injured on account of a price fixing conspiracy regarding CRTs as opposed to CRT products.

INTERROGATORY NO. 24

Do you contend that You purchased CRTs from other CRT manufacturers? If so:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and
- (c) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 24

Irico reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this Interrogatory is a contention interrogatory, served before fact depositions and/or expert analysis and disclosures. Irigo asserts that such discovery is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures are not contemplated by the Court's schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo reserves all rights to further supplement its responses at an appropriate time following the substantial completion of depositions and expert discovery.

Subject to and without waiving the objections stated above, and based on its present knowledge, Irigo responds that it does not so contend.

INTERROGATORY NO. 25

Do You contend that You did not manufacture, market, sell and/or distribute CRT Products in the United States during the Class Period? If so:

- (a) State the facts that You rely on to support Your contention;
- (b) Identify each Person You contend has knowledge of facts that support Your contention; and
- (d) Identify each Document You contend supports Your contention.

RESPONSE TO INTERROGATORY NO. 25

1 Irico reasserts and incorporates each of the General Objections and Objections to the
 2 Definitions and Instructions set forth above. Irico further objects that this Interrogatory is a
 3 contention interrogatory, served before fact depositions and/or expert analysis and disclosures.
 4 Irico asserts that such discovery is premature given that no Irico witnesses have been deposed
 5 relating to merits issues and expert analysis and disclosures are not contemplated by the Court's
 6 schedule at this time. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D.
 7 Cal. May 19, 2011). Irico reserves all rights to further supplement its responses at an appropriate
 8 time following the substantial completion of depositions and expert discovery. Irico also objects
 9 to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that Plaintiffs
 10 alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to provide facts
 11 and evidence of events that did not take place.

12 Subject to and without waiving the objections stated above, and despite the Interrogatory's
 13 demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence
 14 has been brought in the above captioned matter that indicates that Irico manufactured, sold, or dis-
 15 tributed "CRT Products" in the United States during the class period. In particular, Irico will be
 16 producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the
 17 United States.

18 Irico is not aware of Irico ever manufacturing, marketing, selling, or distributing any
 19 CRTs or CRT Products in the United States. Irico's sole attempt at establishing a presence in the
 20 United States, through a joint venture called Irico (USA) Inc. ("Irico USA"), was a complete
 21 failure that resulted in no sales of CRTs in the United States and ended in 2001 when the
 22 company was sold without authorization by its General Manager, Liu Feng, who absconded with
 23 the profits of the sale. *See Irico's Supp. Resp. to Interrogatory No. 8 of the Direct Purchaser*
 24 *Plaintiffs' First Set of Interrogatories*, as set forth in Irico's Sixth Supp. Resps. to Direct
 25 *Purchaser Plaintiffs' First Set of Interrogatories*, dated January 7, 2022. Irico further directs
 26 Plaintiffs to the following documents: IRI-CRT-00003490.

27 Irico identifies the following persons with knowledge regarding this Interrogatory: Wang
 28 Zhaojie and Su Xiaohua.

1 Dated: February 23, 2022

BAKER BOTTS L.L.P.

2
3 /s/ John M. Taladay

4 John M. Taladay (*pro hac vice*)
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22 *Attorneys for Defendants*
23 *IRICO GROUP CORP. and*
24 *IRICO DISPLAY DEVICES CO., LTD.*

Exhibit O

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March 10, 2022

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Re: In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Master File
No. 07-CV-944-JST

Dear Rick and Lauren:

Irico writes in response to your February 15, 2022 letter regarding the Irico Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., served on January 21, 2022 ("Supplemental Responses"), as required by Judge Walker's December 22, 2021 Order (ECF No. 5978) ("Order") (the "Feb. 15 Letter"). Irico disagrees that its Supplemental Responses were inadequate or failed to respond to the Order given the information available to Irico—as we have explained numerous times, including in the Supplemental Responses. Accordingly, and as discussed in greater detail below, Irico stands on its responses regarding several issues that you raised in the Feb. 15 Letter. However, in the interests of avoiding further motions practice regarding Irico's discovery, Irico will provide some supplementation of its responses. Irico addresses each of your points as follows:

1. Identification of "All Documents" in Judge Walker's Issue No. 6

Irico does not agree with Plaintiffs' tortured parsing of Judge Walker's language in Issue No. 6. Order at 7-8. It was Judge Walker who wrote the detailed questions to which Irico needed to reply. He specifically ordered Irico to provide the enumerated information on "sales" and Irico provided that information as required. If Plaintiffs object to the language of the Order, they should have raised the issue with the Court.

BAKER BOTTS LLP

R. Alexander Saveri
 Lauren C. Capurro

- 2 -

March 10, 2022

Regardless, Irico's answers provided all available information, and Plaintiffs' suggestion that Irico somehow circumvented any obligation to provide otherwise responsive information is wrong. For example, Plaintiffs statement that Irico's responses made "no mention of documents reflecting or memorializing meetings or other communications with competitors," (Feb. 15 Letter at 1), assumes that Irico read some improper limitation into the Order. Rather, Irico's response did not include such documents because, based on its present knowledge, it has no reason to believe that such documents existed in Irico's files in the summer of 2008. Moreover, Plaintiffs' assertions that Irico did not acknowledge any communications with other CRT manufacturers is false. As explained in its response to No. 3 below, Irico has acknowledged that it exchanged emails with other members of the China CPT Industry Association regarding meetings of the trade association. *See* Supplemental Responses at 16. However, as Irico has stated repeatedly, it does not believe that any such emails were likely to have existed even at the end of 2007 due to Irico's email storage issues, let alone in the summer of 2008. The focus of Issue No. 6 was to identify "all documents . . . that would have been preserved" in the summer of 2008 had Irico's preservation efforts not been limited to sales of CRTs in the United States, and Irico believes that it has done so to the best of its present knowledge.

2. Sales Reports identified in Issue No. 8

Plaintiffs' arguments about Irico's response to Issue No. 8 concerning sales reports, (Feb. 15 Letter at 2), are pure sophistry. Issue No. 8 required Irico to "[i]dentify by type all documents . . . during the period 1997 to 2007." Order at 8. By listing "Sales reports containing general CRT market information," (Supplemental Responses at 14), Irico was necessarily identifying that these reports existed at some point during the period 1997 to 2007, but further clarified that it could not confirm whether such reports were created during the period 1997 to 2004. By simple logic, that means that Irico acknowledged that the reports were created during the period 2005 to 2007.

In the interests of avoiding any additional and unnecessary debate over this issue, Irico is willing to supplement its response to include language that such reports were created during the period 2005 to 2007. Irico states for the record, and will state in any supplemental response, that its original response was proper and needed no clarification.

3. Emails

First, contrary to Plaintiffs statement, (Feb. 15 Letter at 2), nowhere in Irico's responses, let alone its Response to Issue No. 8, did Irico state that "most employees did have personal email." Irico has no idea why Plaintiffs are making that claim. To the extent that Irico employees used personal email addresses in the course of their duties, Irico was not responsible for creating or maintaining those email addresses and does not have information regarding who used personal email addresses and when they were used beyond the limited circumstances addressed in Irico's most recent discovery responses. *See* Responses to Interrogatory Nos. 1 and 8 in Irico Defendants' Objections and Responses to Indirect Purchaser Plaintiffs' Fourth Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., February 23, 2022.

BAKER BOTTS LLP

R. Alexander Saveri
 Lauren C. Capurro

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March 10, 2022

Second, Irico has been unable to determine the exact date that it started using email as repeated many times. To the best of its present knowledge, Irico's corporate email system came online around 2004 or 2005. In addition, Irico has recently discovered that the company conducted a limited pilot email test utilizing a Microsoft Exchange server in the early-2000s. As with its subsequent launch of corporate email, this test utilized the domain @ch.com.cn. Irico has been unable to determine the exact timeline of the test, or the number or identity of users who participated in the test. Irico understands that the test ended prior to Irico's launch of corporate email in the 2004/2005 time period. Irico understands that no information from the test was transferred to the new email system or was otherwise retained. Irico will supplement its responses to reflect this information.

Third, Irico believes that Plaintiffs' reference to the "reality that employees could print emails" is yet another attempt to create an issue where one does not otherwise exist. Irico reviewed its archives and produced responsive materials. If employees had printed emails and sent them to the archives, Irico would have produced them. The fact that emails could have been printed does not mean that there were any printed (or electronic) emails that could have been preserved at the end of 2007. Similarly, Irico never stated that *all* communications regarding "Notices from the Chinese Communist Party" were *required* to be preserved. As an entity, Irico received these notices in a variety of ways, including by mail and at meetings of the Chinese government and Chinese Communist Party, and it was these original notices that were subject to potential preservation under the policies described in Irico's Response to Issue No. 11.

Fourth, Plaintiffs also are wrong when they say, (Feb. 15 Letter at 2-3), that Irico made "no mention" of "emails related to meetings of the Chinese Color Tube Industry." The final bullet under the subheading "Emails" is titled "Planning for Meetings of the China CPT Industry Association" and states that "emails were exchanged between Irico and other Chinese CRT manufacturers regarding the scheduling and planning of meetings of the China CPT Industry Association, a trade organization for manufacturers of CPTs." Supplemental Responses at 15. Irico is not aware that any of these emails or those referenced by Plaintiffs still existed in Irico's files or other sources accessed by Irico's employees at the end of 2007. Irico has also explained "[w]hat happened to these emails" by describing in numerous responses, including the Supplemental Responses, Irico's near constant need to overwrite email due to limited storage capacity. *See, e.g.*, Supplemental Responses at 16. Plaintiffs even cite to these facts earlier in their letter. *See* Feb. 15 Letter at 2 ("[T]his section of the Supplemental Responses goes on to assert that Irico's email storage capacity was limited and that each individual account had limited capacity as well. It continues that 'the users of the accounts had to constantly delete emails in order to continue receiving new emails.'").

4. Customer Correspondence and Handwritten Working Notes

It is not even clear to Irico what Plaintiffs are arguing, in this section. Feb. 15 Letter at 3. Again, by listing the categories "Correspondence with customers regarding CRT sales" and "Handwritten working notes" under this section, Irico stated that it believes that such materials were "regularly prepared" and existed during the period 1997 to 2007 as required by Judge Walker in Issue No. 8. Plaintiffs' suggestion to the contrary is false. Irico's responses provided

BAKER BOTTS LLP

R. Alexander Saveri
Lauren C. Capurro

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the known information about the documents in these categories and clarified its present understanding about how those documents were handled in the ordinary course of business.

5. Liang Yuan

As requested, Irico has investigated this issue and understands that Liang Yuan left Irico in March 2014. Irico will supplement its Supplemental Responses to reflect this information.

Irico will provide supplemental responses as outlined above by Friday, March 18, 2022.

Sincerely,

/s/ Evan Werbel
Evan Werbel

cc: Geoffrey C. Rushing
Matthew D. Heaphy
Mario N. Alioto
Daniel E. Birkhauser

Exhibit P

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Attorneys for Defendants
IRICO GROUP CORP. and
IRICO DISPLAY DEVICES CO., LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)
 ANTITRUST LITIGATION

Master File No. 4:07-cv-05944-JST
 (N.D. Cal.)

MDL No. 1917

This Document Relates to:
 ALL INDIRECT PURCHASER ACTIONS

**IRICO DEFENDANTS' OBJECTIONS
 AND RESPONSES TO INDIRECT
 PURCHASER PLAINTIFFS' THIRD
 SET OF INTERROGATORIES TO
 IRICO GROUP CORPORATION AND
 IRICO DISPLAY DEVICES CO., LTD.**

PROPOUNDING PARTY: Indirect Purchaser Plaintiffs
 RESPONDING PARTIES: Irico Group Corporation
 Irico Display Devices Co., Ltd.
 SET NUMBER: Third (3)

Pursuant to Federal Rules of Civil Procedure 26 and 33, Irico Group Corporation and Irico Display Devices Co, Ltd. (collectively, “Irico” or “Irico Defendants”) hereby provides these responses to the Indirect Purchaser Plaintiffs’ (“Plaintiff”) Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., dated July 7, 2021 (“Interrogatories”). Irico reserves the right to amend or supplement these Objections and Responses (the “Responses”) to the extent allowed by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California (“Local Rules”). Subject to and without waiving any of Irico’s General and Specific Objections as set forth below, Irico is willing to meet and confer with Plaintiff regarding such General and Specific Objections.

The following Responses are made only for purposes of this case. The Responses are subject to all objections as to relevance, materiality and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court. All evidentiary objections and grounds are expressly reserved.

These Responses are subject to the provisions of the Stipulated Protective Order issued by the Court on June 18, 2008 (“Protective Order”). Irico’s Responses are hereby designated “Confidential” in accordance with the provisions of the Protective Order.

GENERAL OBJECTIONS

Irico makes the following General Objections to Plaintiff’s Interrogatories:

1. Irico’s Responses are based upon information available to and located by Irico as of the date of service of these Responses. In responding to Plaintiff’s Interrogatories, Irico states that it has conducted, or will conduct, a diligent search, reasonable in scope, of those files and records in its possession, custody, or control believed to likely contain information responsive to Plaintiff’s Interrogatories.

2. No express, incidental, or implied admissions are intended by these Responses and should not be read or construed as such.

3. Irico does not intend, and its Responses should not be construed as, an agreement or acquiescence with any characterization of fact, assumption, or conclusion of law contained in

1 or implied by the Requests.

2 4. To the extent that Irico responds to Plaintiff's Interrogatories by stating that Irico
3 will produce or make available for examination responsive information or documents, Irico does
4 not represent that any such information or documents exist. Irico will make a good faith and
5 reasonable attempt to ascertain whether information responsive to Plaintiff's Interrogatories exists
6 and is properly producible, and will produce or make available for examination non-privileged
7 responsive materials to the extent any are located during the course of a reasonable search.

8 5. Irico objects to Plaintiff's Interrogatories to the extent that they are overly broad,
9 unduly burdensome, oppressive, and duplicative to the extent that they seek information or
10 documents that are already in the possession, custody, or control of Plaintiff.

11 6. Irico objects to Plaintiff's Interrogatories to the extent that they seek to impose
12 obligations on Irico beyond those of the Federal Rules of Civil Procedure, the Local Rules, or any
13 Order of this Court.

14 7. Irico objects to Plaintiff's Interrogatories to the extent that they request duplicative
15 discovery in violation of the Order Re Discovery And Case Management Protocol, ECF No.
16 1128. *See* Order Re Plaintiffs' Motions To Compel Supplemental Discovery From Toshiba And
17 Panasonic, ECF No. 4128, at 4 ("The Discovery Protocol (ECF No 1128), requires parties to
18 coordinate discovery and not file duplicative discovery. . . . The benefit redounds to all parties on
19 both sides of the litigation, by conserving the efforts required by plaintiffs and protecting
20 defendants against unnecessary duplication of effort.") (Report and Recommendation adopted in
21 full at ECF No. 4256).

22 8. Irico objects to Plaintiff's Interrogatories to the extent they seek information that is
23 not relevant or disproportionate to the needs of the case.

24 9. Irico objects to Plaintiff's Interrogatories to the extent that they are vague,
25 ambiguous, or susceptible to more than one interpretation. Irico shall attempt to construe such
26 vague or ambiguous Interrogatories so as to provide for the production of responsive information
27 that is proportionate to the needs of the case. If Plaintiff subsequently asserts an interpretation of
28 any Interrogatory that differs from Irico's understanding, Irico reserves the right to supplement or

1 amend its Responses.

2 10. Irico objects to Plaintiff's Interrogatories to the extent that they contain terms that
3 are insufficiently or imprecisely defined. Irico shall attempt to construe such vague or ambiguous
4 Interrogatories so as to provide for the production of responsive information that is proportionate
5 to the needs of the case.

6 11. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
7 that is protected from disclosure by the attorney-client privilege, work product doctrine, joint
8 defense or common interest privilege, self-evaluative privilege, or any other applicable privilege
9 or immunity. Irico will provide only information that it believes to be non-privileged and
10 otherwise properly discoverable. Nothing in Irico's responses is intended nor should be construed
11 as a waiver of any such privilege or immunity. The inadvertent or mistaken provision of any
12 information or responsive documents subject to any such doctrine, privilege, protection or
13 immunity from production shall not constitute a general, inadvertent, implicit, subject-matter,
14 separate, independent or other waiver of such doctrine, privilege, protection or immunity from
15 production.

16 12. Irico objects to Plaintiff's Interrogatories to the extent that they call for
17 information that is not in the possession, custody, or control of Irico. Irico also objects to the
18 extent that any of Plaintiff's Interrogatories seek information from non-parties or third parties,
19 including but not limited to any of Irico's subsidiary or affiliated companies.

20 13. Irico objects to Plaintiff's Interrogatories to the extent that responding would
21 require Irico to violate the privacy and/or confidentiality of a third party or confidentiality
22 agreement with a third party.

23 14. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
24 that is publicly available, already in Plaintiffs' possession, custody, or control, or more readily
25 available from other sources.

26 15. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
27 or documents concerning transactions outside the United States. Such Requests are unduly
28 burdensome and disproportionate to the needs of the case as Plaintiffs' class definition is confined

1 to “individuals and entities that indirectly purchased Cathode Ray Tube Products . . . in the United
2 States” (see Indirect Purchaser Plaintiffs’ Fifth Consolidated Amended Complaint (“Complaint”)
3 dated September 19, 2019).

4 16. Irico objects to Plaintiff’s Interrogatories to the extent that compliance would
5 require Irico to violate the laws, regulations, procedures, or orders of a judicial or regulatory body
6 of foreign jurisdictions.

7 17. Irico’s responses, whether now or in the future, pursuant to Plaintiff’s
8 Interrogatories should not be construed as either (i) a waiver of any of Irico’s general or specific
9 objections or (ii) an admission that such information or documents are either relevant or
10 admissible as evidence.

11 18. Irico objects to Plaintiff’s Interrogatories to the extent that they are compound
12 and/or contain discrete subparts in violation of Federal Rule of Civil Procedure 33(a)(1).

13 19. Irico objects to Plaintiff’s Interrogatories to the extent that they state and/or call for
14 legal conclusions.

15 20. Irico objects to the Interrogatories to the extent that they contain express or implied
16 assumptions of fact or law with respect to the matters at issue in this case.

17 21. Irico objects to the Interrogatories to the extent they seek information or
18 documents that cannot be removed or transmitted outside China without violating the laws and
19 regulations of that country, including but not limited to restrictions on the transmission of state
20 secrets or trade secrets as those terms are defined under Chinese law.

21 22. Irico reserves the right to assert additional General and Specific Objections as
22 appropriate to supplement these Responses.

23 These General Objections apply to each Interrogatory as though restated in full in the
24 responses thereto. The failure to mention any of the foregoing General Objections in the specific
25 responses set forth below shall not be deemed as a waiver of such objections or limitations.

26 **GENERAL OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

27 1. Irico objects to the definition of “DPPs’ Written Discovery” (Definition No. 1) on
28 the grounds that it is vague, ambiguous and overly broad.

1 2. Irico objects to the definition of “IPPs’ Written Discovery” (Definition No. 2) on
2 the grounds that it is vague, ambiguous and overly broad.

3 3. Irico objects to the definition of “Document” (Definition No. 3) to the extent it
4 seeks to impose requirements that are beyond those imposed by the Federal Rules of Civil
5 Procedure, the Local Rules, any Order of this Court, or any other applicable laws.

6 4. Irico objects to the definitions of “Including” and “Relating” (Definition No. 4) on
7 the grounds that it calls for a legal conclusion and is otherwise vague, ambiguous, and overly
8 broad. Irico further objects to this definition to the extent that it attempts to impose burdens on
9 Irico beyond those imposed by the Federal Rules of Civil Procedure. Irico further objects to this
10 definition to the extent that it seeks information protected by the attorney client or other
11 applicable privilege, attorney work product doctrine, or otherwise seeks to violate rights of
12 privacy under U.S. or foreign law.

13 5. Irico objects to the definitions of “You” and “Your” (Definition No. 5) to the
14 extent that Plaintiff defines those terms to include the Irico’s “present and former members,
15 officers, agents, employees, and all other persons acting or purporting to act on their behalf,
16 including all present and former members, officers, agents, employees, and all other persons
17 exercising or purporting to exercise discretion, making policy, and make decisions.” This
18 definition is overbroad, unduly burdensome, vague, and ambiguous. In particular, Irico objects to
19 this definition to the extent it purports to request information beyond the possession, custody, or
20 control of Irico Group or Irico Display, including but not limited to information in the possession
21 of non-parties and third parties where Irico lacks any duty to obtain or otherwise search for the
22 information and for whom the Court lacks personal jurisdiction. Irico also objects to the inclusion
23 of all “present or former employees, officers, directors, agents . . . or any other person acting on
24 [the] behalf [of]” Irico within this definition to the extent it purports to encompass information
25 that is protected by attorney-client privilege, work product protection or any other applicable
26 doctrine, privilege, protection or immunity or otherwise calls for a legal conclusion.

27 6. Irico objects to Instruction No. 1 (related to disclosure of additional information) to
28 the extent it purports to impose burdens or obligations broader than, inconsistent with, or not

1 authorized under the Federal Rules of Civil Procedure, including, without limiting the generality
2 of the foregoing, Rule 26(e).

3 7. Irico objects to Instruction No. 2 (related to production of business records) to the
4 extent that it purports to impose burdens or obligations broader than, inconsistent with, or not
5 authorized under the Federal Rules of Civil Procedure, including, without limiting the generality
6 of the foregoing, Rule 33(d), Rule 26(b). Irico further objects to this Instruction to the extent that
7 it purports to impose burdens or obligations broader than, inconsistent with, or not authorized
8 under, the Local Rules and any Orders of the Court.

9 8. Irico objects to Instruction No. 3 (related to privileged information) to the extent
10 that it purports to impose burdens or obligations broader than, inconsistent with, or not authorized
11 under the Federal Rules of Civil Procedure, including, without limiting the generality of the
12 foregoing, Rule 33(d), Rule 26(b)(5)(A) and Rule 26(e)(1). Irico further objects to this Instruction
13 to the extent that it purports to impose burdens or obligations broader than, inconsistent with, or
14 not authorized under, the Local Rules and any Orders of the Court, and on the grounds that it is
15 vague, ambiguous, and inconsistent with common usage. Irico further objects to this Instruction to
16 the extent it seeks information that would disclose personal confidential information and/or
17 violate any and all rights of privacy under the United States Constitution or Article I of the
18 Constitution of the State of California, or any other applicable law or state constitution, or that is
19 otherwise prohibited from disclosure because to do so would cause Irico to violate legal and/or
20 contractual obligations to any other persons or entities.

21 **SPECIFIC RESPONSES TO INTERROGATORIES**

22 **INTERROGATORY NO. 1**

23 State whether any Documents or information responsive to DPPs' Written Discovery
24 and/or IPPs' Written Discovery were destroyed, discarded, erased, deleted, purged, or otherwise
25 lost. If your answer is in any way in the affirmative:

26 (a) describe in detail the contents of each such document or information and the date it
27 was destroyed, discarded, erased, deleted, purged or lost;

28 (b) identify each person or document custodian whose documents or information was

1 destroyed, discarded, erased, deleted, purged or lost;

2 (c) state the date on which each responsive document or information was destroyed,
3 discarded, erased, deleted, purged or lost;

4 (d) identify each person or document custodian who had any role or responsibility in
5 destroying, discarding, erasing, purging, deleting, or losing of each such document or
6 information; and

7 (e) describe in detail the circumstances under which each such document or information
8 was destroyed, discarded, erased, deleted, purged, or lost.

9 **RESPONSE TO INTERROGATORY NO. 1**

10 Irico reasserts and incorporates each of the General Objections and Objections to the
11 Definitions and Instructions set forth above. Irico further objects that this interrogatory is
12 duplicative and cumulative of other requests served on Irico, including but not limited to:
13 Interrogatory No. 16 of Direct Purchaser Plaintiffs' First Set of Interrogatories; Instruction Nos. 8
14 and 9 of Direct Purchaser Plaintiffs' First, Second, and Third Sets of Requests for Production of
15 Documents; Instruction No. 8 of Indirect Purchaser Plaintiffs' First Request for Production of
16 Documents from Defendants; and, Instruction Nos. 10 and 11 of Indirect Purchaser Plaintiffs'
17 Second Request for Production of Documents from Defendants. Such duplicative and cumulative
18 requests violate the Order Re Discovery And Case Management Protocol, ECF No. 1128. *See*
19 Order Re Plaintiffs' Motions To Compel Supplemental Discovery From Toshiba And Panasonic,
20 ECF No. 4128, at 4 ("The Discovery Protocol (ECF No 1128), requires parties to coordinate
21 discovery and not file duplicative discovery. . . . The benefit redounds to all parties on both sides
22 of the litigation, by conserving the efforts required by plaintiffs and protecting defendants against
23 unnecessary duplication of effort.") (Report and Recommendation adopted in full at ECF No.
24 4256).

25 Subject to and without waiving the objections stated above, Irico refers Plaintiff to the
26 following discovery responses previously served on Plaintiff: Irico's Supplemental Objections
27 and Responses to Interrogatory No. 16 as stated in Irico Defendants' Fourth Supplemental
28 Objections and Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories; and, Irico's

1 Second Supplemental Objections and Responses to Interrogatory No. 16 as stated in Irico
 2 Defendants' Fifth Supplemental Objections and Responses to Direct Purchaser Plaintiffs' First
 3 Set of Interrogatories.

4 **INTERROGATORY NO. 2**

5 State whether Irico implemented a litigation hold to preserve potentially discoverable
 6 evidence relating to the alleged misconduct in this litigation. If your answer is in the affirmative:

7 (a) state the date (or dates) that the litigation hold notice was issued;

8 (b) state the date when the litigation hold was implemented;

9 (c) describe in detail the scope of the litigation hold, including the categories of

10 documents, electronically stored information (ESI), or other tangible evidence that are

11 subject to the litigation hold;

12 (d) identify the recipients of the litigation hold notice; and

13 (e) describe any steps taken to ensure compliance with the litigation hold.

14 **RESPONSE TO INTERROGATORY NO. 2**

15 Irico reasserts and incorporates each of the General Objections and Objections to the
 16 Definitions and Instructions set forth above. Irico further objects that this interrogatory to the
 17 extent that it requests the disclosure of information protected by the attorney-client privilege or
 18 attorney work product doctrine.

19 Subject to and without waiving the objections stated above, Irico responds that, in summer
 20 2008, the company orally instructed key employees to preserve documents related to sales of CRT
 21 to the United States. It was determined that Irico possessed no such documents. As discussed in
 22 more detail below, all documents required to be maintained under Chinese law were preserved at
 23 that time. Around September 2017, when Irico reentered the litigation for the purposes of
 24 contesting jurisdiction and asserting a foreign sovereign immunity defense, Irico confirmed the
 25 need to preserve existing documents relevant to the litigation from the time period 1995 to 2007
 26 with managers from each operational department, including finance and accounting, legal, HR,
 27 and sales. The managers conveyed this message orally to relevant employees under their
 28 supervision.

1 In addition to the preservation efforts described above, and as Irico has explained in other
 2 discovery responses, *see* Irico's Supplemental Objections and Responses to Interrogatory No. 16
 3 as stated in Irico Defendants' Fourth Supplemental Objections and Responses to Direct Purchaser
 4 Plaintiffs' First Set of Interrogatories, pursuant to Chinese law, the Ministry of Finance and State
 5 Archives Administration requires companies like Irico to maintain and preserve certain
 6 documents and materials, including but not limited to original invoices for sales, accounting
 7 books, general ledgers, financial accounting reports, and bank statements. *See* IRI-CRT-
 8 00000900. Irico is not aware of such archived records from 1995-2007 being destroyed given the
 9 retention periods required by the Chinese government. In addition, Irico's internal practices
 10 included the maintenance of additional archives of material related to operational documents,
 11 administrative documents, technical records and communications with agencies of the PRC
 12 government and Chinese Communist Party.¹ Irico is not aware of any such records from the 1995
 13 to 2007 time period that were preserved in the various archives being destroyed.

14 **INTERROGATORY NO. 3**

15 State whether Irico had any document retention policies in place during the period
 16 between 1995 and 2008. If your answer is in the affirmative, for each such policy:

- 17 (a) state whether it is a formal written policy;
- 18 (b) state when the policy was put in place;
- 19 (c) describe how the policy has changed over time if applicable; and
- 20 (d) provide a summary of the policy, including the length of required retention, categories
 21 of documents and ESI covered by the policy, and departments and/or employees to
 22 which the policy applied.

23 **RESPONSE TO INTERROGATORY NO. 3**

24 Irico reasserts and incorporates each of the General Objections and Objections to the
 25 Definitions and Instructions set forth above. Irico further objects that this interrogatory is
 26 duplicative and cumulative of other requests served on Irico, including but not limited to: Request
 27 No. 3 of Direct Purchaser Plaintiffs' Second Set of Requests for Production of Documents and

28 ¹ Additional information regarding the documents maintained in Irico's archives can be found in
 Irico's December 18, 2020 letter to Plaintiffs regarding discovery issues.

1 Request No. 3 of Indirect Purchaser Plaintiffs' Second Request for Production of Documents
2 from Defendants. Such duplicative and cumulative requests violate the Order Re Discovery And
3 Case Management Protocol, ECF No. 1128. *See* Order Re Plaintiffs' Motions To Compel
4 Supplemental Discovery From Toshiba And Panasonic, ECF No. 4128, at 4 ("The Discovery
5 Protocol (ECF No 1128), requires parties to coordinate discovery and not file duplicative
6 discovery. . . . The benefit redounds to all parties on both sides of the litigation, by conserving the
7 efforts required by plaintiffs and protecting defendants against unnecessary duplication of
8 effort.") (Report and Recommendation adopted in full at ECF No. 4256).

9 Subject to and without waiving the objections stated above, Irico responds that it believes
10 it had a written document retention policy in place during the period 1995 through 2008, although
11 Irico has not been able to locate a copy of the policy in effect during that time. Neither has Irico
12 been able to determine at what points in time the policy changed. Irico further believes that the
13 document retention policy would apply company wide as to the relevant categories of documents
14 required to be maintained.

15 Irico believes that its document retention policy during the period of 1995 to 2008 called
16 for the maintenance and preservation of hard-copy documents within Irico's corporate archives.
17 Pursuant to Chinese law, the Ministry of Finance and State Archives Administration requires
18 companies like Irico to maintain and preserve certain accounting archives, including but not
19 limited to original invoices for sales, accounting books, general ledgers, financial accounting
20 reports, and bank statements. *See* IRI-CRT-00000900. These documents were generally required
21 to be kept for a period of not less than thirty (30) years. Irico followed and continues to follow
22 these requirements.

23 In addition, Irico's internal practices included the maintenance of additional archives of
24 material related to operational documents, administrative documents, technical records, and
25 communications with agencies of the PRC government and Chinese Communist Party, including
26 the following:

- 27 • Documents related to engineering, scientific and technological inventions and
28 research projects, project development, and implementation of new designs.

- Documents related to health, safety, and environmental policies.
- Documents related to party committee work, political activities and implemental of policy, and awards issued at the national, ministerial, provincial, and municipal levels.

Irico is not aware of records from the 1995 to 2008 time period that were preserved in the various archives being destroyed. During the period 1995 through 2008, Irico did not have a retention policy regarding or applicable to electronic documents or data.

INTERROGATORY NO. 4

State when and how You first learned of potential anticompetitive conduct concerning the pricing of Cathode Ray Tubes.

RESPONSE TO INTERROGATORY NO. 4

Irico reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irico further objects to the undefined terms “potential,” “concerning” and “pricing” as they render the interrogatory vague and ambiguous. Irico also objects to the undefined term “anticompetitive conduct” on the grounds that it calls for a legal conclusion and is otherwise vague, ambiguous, and overbroad.

Subject to and without waiving the objections stated above, Irico responds that it first learned of the allegations in Plaintiff’s Complaint on December 25, 2007, when it received a summons from the United States District Court for the Northern District of California in the matter *Figone v. L.G. Electronics, Inc.*, 07-cv-6381.

INTERROGATORY NO. 5

For each of the following individuals who You no longer employ, state (1) the date s/he ceased to be employed by You; (2) the reason for separation, (3) the Date his or her Documents (electronic and separately, hard copy) were destroyed, (4) a description of how the Documents were destroyed; (5) Your efforts to determine if the Documents can be retrieved, including the Dates of any such efforts and; (6) the individual’s last known address as reflected in Your records:

a. 陈德智(Chen Di Zhi)

- 1 b. 段诚(Duan Cheng)
- 2 c. 方良军(Fang Liang-Jun)
- 3 d. 符九全(Fu Jiuquan)
- 4 e. 葛迪(Ge Di)
- 5 f. 郭盟权(Guo Mengquan)
- 6 g. 李卫生(Li Wei-Sheng)
- 7 h. 梁援(Liang Yuan)
- 8 i. 刘宏武(Liu Hongwu)
- 9 j. Liu Linghai
- 10 k. 刘晓东(Liu Xiaodong)
- 11 l. 龙涛(Long Tao)
- 12 m. 马金泉(Ma Jinquan)
- 13 n. 牛新安(Niu Xinan)
- 14 o. 沙涛(Shan or Sa Tao)
- 15 p. 申小琳(Shen Xiaolin)
- 16 q. 宋世振(Song Shi-Zhen)
- 17 r. 陶魁(Tao Kui)
- 18 s. 王大明(Wang Da-Ming)
- 19 t. 王李广(Wang Li Guang)
- 20 u. 王平权(Wang Ping-Quan)
- 21 v. 王西民(Wang Ximin)
- 22 w. 魏建社(Wei Jian-She)
- 23 x. 魏致远(Wei Zhiyuan)
- 24 y. 文海洋(Wen Haiyang)
- 25 z. 奚建生(Xi Jiansheng)
- 26 aa. 许高文(Xu Gao-Wen)
- 27 bb. 姚军(Yao Jun)
- 28 cc. 张少文(Zhang Shaowen)

dd. 张虎山(Zhang Hushan)

ee. 甄小红(Zhen Xiao-Hong)

ff. 竺简(Zhu Jian)

gg. 邢道钦(Xing Daoqin)

RESPONSE TO INTERROGATORY NO. 5

Irico reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects to this interrogatory to the extent the undefined term “destroy” renders the interrogatory ambiguous and vague, and therefore overbroad and unduly burdensome. Irigo also objects to this interrogatory as Plaintiff has not demonstrated how the benefit of such information outweighs the significant burden to Irigo of requiring the company to search through historical records. Irigo also objects to this interrogatory to the extent that it purports to request information protected by the attorney-client and/or attorney work product privileges.

Subject to and without waiving the objections stated above, Irigo responds as follows:

- a. 陈德智 (Chen Di Zhi): Chen Dizhi resigned from Irigo as of April 2002. Irigo has no address available for Chen Dizhi in its records.
- b. 段诚 (Duan Cheng): Duan Cheng retired from Irigo as of June 2015. Duan Cheng’s last known address is 咸阳市人民路彩虹新区 152#-2-6-11 邮编 710021.
- c. 方良军 (Fang Liang-Jun): Fang Liangjun retired from Irigo as of June 2012. Fang Liangjun’s last known address is 咸阳市人民路彩虹新区 113#-2-4-7 邮编 710021.
- d. 符九全 (Fu Jiuquan): Fu Jiuquan retired from Irigo as of March 2011. Irigo has no address available for Fu Jiuquan in its records.
- e. 葛迪 (Ge Di): Ge Di resigned from Irigo as of May 2016. Ge Di’s last known address is 咸阳市秦都区渭滨街道阳光小区 10 号楼 邮编 710021.
- f. 郭盟权 (Guo Mengquan): Guo Mengquan retired from Irigo as of May 2017. Irigo has no address available for Guo Mengquan in its records.
- g. 李卫生 (Li Wei-Sheng): Li Weisheng resigned from Irigo as of January 2002.

1 Irico has no address available for Li Weisheng in its records.

2 h. 梁援 (Liang Yuan): Liang Yuan resigned from Irico as of March 2014. Liang
3 Yuan's last known address is 咸阳市人民路彩虹小区 5-1-3-5 邮编 710021.

4 i. 刘宏武 (Liu Hongwu): Liu Hongwu resigned from Irico as of January 2014. Irico
5 has no address available for Liu Hongwu in its records.

6 j. Liu Linghai: Irico has no information regarding this individual in its records.

7 k. 刘晓东 (Liu Xiaodong): Liu Xiaodong resigned from Irico as of May 2010. Irico
8 has no address available for Liu Xiaodong in its records.

9 l. 龙涛 (Long Tao): Long Tao resigned from Irico in May 2021. Long Tao's last
10 known address is 陕西省咸阳市秦都区彩虹一路一号彩虹小区.

11 m. 马金泉 (Ma Jinquan): Ma Jinquan retired from Irico as of February 2005. Ma
12 Jinquan's last known address is 咸阳市人民路/彩虹新区 115#-1-5-10 邮编
13 710021.

14 n. 牛新安 (Niu Xinan): Niu Xinan resigned from Irico as of December 2015. Niu
15 Xinan's last known address is 咸阳市人民路彩虹新区 115#-2-5-东户 邮编
16 710021.

17 o. 沙涛 (Shan or Sa Tao): Sha Tao resigned from Irico as of December 2002. Irico
18 has no address available for Sha Tao in its records.

19 p. 申小琳 (Shen Xiaolin): Shen Xiaolin retired from Irico as of October 2015. Shen
20 Xiaolin's last known address is 咸阳市人民路彩虹新区 115#-1-5-10 邮编
21 710021.

22 q. 宋世振 (Song Shi-Zhen): Song Shizhen retired from Irico as of November 2004.
23 Song Shizhen's last known address is 咸阳市彩虹一路彩虹老区 52#-4-3-6 邮编
24 710021.

25 r. 陶魁 (Tao Kui): Tao Kui retired from Irico as of March 2014. Irico has no
26 address available for Tao Kui in its records.

27 s. 王大明 (Wang Da-Ming): Wang Daming resigned from Irico as of July 2004.
28 Irico has no address available for Wang Daming in its records.

- 1 t. 王李广 (Wang Li Guang): Wang Liguang resigned from Irico as of April 2002.
2 Irico has no address available for Wang Liguang in its records.
- 3 u. 王平权 (Wang Ping-Quan): Wang Pingquan retired from Irico as of March 2012.
4 Wang Pingquan's last known address is 咸阳市人民路彩虹新区 137#-6-2-3 邮编
5 710021.
- 6 v. 王西民 (Wang Ximin): Wang Ximin retired from Irico as of November 2013.
7 Wang Ximin's last known address is 陕西省咸阳市秦都区彩虹一路一号彩虹小
8 区. Wang Ximin was interviewed in 2021 and reported that, at the time of his
9 departure and after submitting any documents required to be maintained in Irico's
10 archives, *see generally* Irico's Response to Interrogatory No. 3, he discarded his
11 remaining working files. Wang Ximin did not believe that any such documents
12 were from the time period 1995 to 2007.
- 13 w. 魏建社 (Wei Jian-She): Wei Jianshe retired from Irico as of April 2018. Wei
14 Jianshe's last known address is 珠海番溪庄 27-1-405 邮编 519000.
- 15 x. 魏致远 (Wei Zhiyuan): Wei Zhiyuan resigned from Irico as of September 2006.
16 Irico has no address available for Wei Zhiyuan in its records.
- 17 y. 文海洋 (Wen Haiyang): Wen Haiyang resigned from Irico as of September 2017.
18 Wen Haiyang's last known address is 咸阳市彩虹一路彩虹新家园 B 座 1 单元
19 六层 12 号 邮编 710021.
- 20 z. 奚建生 (Xi Jiansheng): Xi Jiansheng resigned from Irico as of April 2006. Irico
21 has no address available for Xi Jiansheng in its records.
- 22 aa. 许高文 (Xu Gao-Wen): Xu Gaowen resigned from Irico as of October 2014. Xu
23 Gaowen's last known address is 咸阳市彩虹一路彩虹小区 85#-3-3-5 邮编
24 710021.
- 25 bb. 姚军 (Yao Jun): Yao Jun resigned from Irico as of April 2018. Yao Jun's last
26 known address is 咸阳市建设路彩虹北家属区 70 号楼 邮编 710021.
- 27 cc. 张少文 (Zhang Shaowen): Zhang Shaowen retired from Irico as of March 2016.
28 Irico has no address available for Zhang Shaowen in its records.

dd. 张虎山 (Zhang Hushan): Zhang Hushan retired from Irico as of May 2018. Zhang Hushan's last known address is 咸阳市人民西路彩虹劳司 E-1-8-16 邮编 710021.

ee. 甄小红 (Zhen Xiao-Hong): Zhen Xiaohong resigned from Irico as of February 2014. Irico has no address available for Zhen Xiaohong in its records.

ff. 竺简 (Zhu Jian): Zhu Jian resigned from Irico as of December 1998. Irico has no address available for Zhu Jian in its records.

gg. 邢道钦 (Xing Daoqin): Xing Daoqin passed away in December 2011 and was no longer employed by Irico as of that date.

Irigo has been unable to locate the requested, detailed information regarding the disposition of each former employee's records. Irigo notes that some of these employees departed Irigo over 20 years ago and many before this litigation began. Based on Irigo's records practices for departing employees, Irigo believes that any documents required to be maintained in Irigo's archives as detailed in Irigo's Response to Interrogatory No. 3 were collected from departing employee prior to their departure from Irigo and preserved in the archives. As plaintiffs are aware, Irigo has conducted an extensive review of its archives to identify materials responsive to this request and plaintiffs' other requests as well as discussed these discovery requests with available personnel, including but limited to archivists and IT personnel, in an attempt to identify responsive information. *See also* Irigo's Supplemental Objections and Responses to Interrogatory No. 16 as stated in Irigo Defendants' Fourth Supplemental Objections and Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories; Irigo's Second Supplemental Objections and Responses to Interrogatory No. 16 as stated in Irigo Defendants' Fifth Supplemental Objections and Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories.

INTERROGATORY NO. 6

State whether any relationship has existed (e.g., by Your providing any type of payments such as severance or retirement pay or by Your providing any other form of benefit, including medical benefits or reemployment with a company that is affiliated with You) between You and each of the individuals listed in Interrogatory No. 5, letters (a) – (gg). If so, please state the type

1 of benefit and its duration.

2 **RESPONSE TO INTERROGATORY NO. 6**

3 Irico reasserts and incorporates each of the General Objections and Objections to the
 4 Definitions and Instructions set forth above. Irico further objects to this interrogatory as
 5 overbroad and unduly burdensome, as Plaintiff has not demonstrated how the benefit of such
 6 information outweighs the significant burden to Irico of requiring the company to search through
 7 historical records for such information. Irico also objects to this interrogatory to the extent it
 8 purports to request information beyond the possession, custody, or control of Irico Group or Irico
 9 Display, including but not limited to information in the possession of non-parties where Irico
 10 lacks any duty to obtain or otherwise search for the information and for whom the Court lacks
 11 personal jurisdiction.

12 Subject to and without waiving the objections stated above, Irico responds that no such
 13 relationship exists with the identified former employees. Irico further responds that when an
 14 employee ends his employment with Irico, his/her employment files are transferred to the archive
 15 management agency of the government of the People's Republic of China, and his/her pension
 16 and other benefits are paid directly by the government of the People's Republic of China.

17
 18
 19 Dated: August 13, 2021

BAKER BOTTS L.L.P.

20
 21 /s/ John M. Taladay

22 John M. Taladay (*pro hac vice*)
 23 Evan J. Werbel (*pro hac vice*)
 24 Thomas E. Carter (*pro hac vice*)
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Attorneys for Defendants
IRICO GROUP CORP. and
IRICO DISPLAY DEVICES CO., LTD.

CERTIFICATE OF SERVICE**In re: Cathode Ray Tube (CRT) Antitrust Litigation - MDL No. 1917**

I declare that I am employed in Washington, District of Columbia. I am over the age of eighteen years and not a party to the within case; my business address is: Baker Botts L.L.P., 700 K Street, N.W., Washington, D.C. 20001.

On August 13, 2021, I served the following document(s) described as:

**IRICO DEFENDANTS' OBJECTIONS AND RESPONSES
TO INDIRECT PURCHASER PLAINTIFFS' THIRD SET
OF INTERROGATORIES TO IRICO GROUP CORPORATION
AND IRICO DISPLAY DEVICES CO., LTD.**

on the following interested parties in this action:

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[X] (BY ELECTRONIC MAIL) I caused such documents to be sent to the persons at the email addressed listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 13, 2021, in Rockville, Maryland.

/s/ Andrew L. Lucarelli

Andrew L. Lucarelli

Exhibit Q

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 IRICO GROUP CORP. and
 IRICO DISPLAY DEVICES CO., LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)
 ANTITRUST LITIGATION

Master File No. 4:07-cv-05944-JST
 (N.D. Cal.)

MDL No. 1917

This Document Relates to:
 ALL INDIRECT PURCHASER ACTIONS

**IRICO DEFENDANTS'
 SUPPLEMENTAL OBJECTIONS AND
 RESPONSES TO INDIRECT
 PURCHASER PLAINTIFFS' THIRD
 SET OF INTERROGATORIES TO
 IRICO GROUP CORPORATION AND
 IRICO DISPLAY DEVICES CO., LTD.**

PROPOUNDING PARTY: Indirect Purchaser Plaintiffs

RESPONDING PARTIES: Irico Group Corporation
 Irico Display Devices Co., Ltd.

SET NUMBER: Third (3)

IRICO'S SUPP. OBJS. AND RESPS. TO IPP'S
 THIRD SET INTERROGATORIES

Master File No. 4:07-cv-05944-JST
 MDL No. 1917

Pursuant to Federal Rules of Civil Procedure 26 and 33, Irico Group Corporation (“Irico Group”) and Irico Display Devices Co, Ltd. (“Irico Display,” collectively, “Irico” or “Irico Defendants”) hereby provide these supplemental responses to the Indirect Purchaser Plaintiffs’ (“Plaintiff”) Third Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., dated July 7, 2021 (“Interrogatories”), as modified by the Special Master’s December 22, 2021 Order Re DPPs’ Motion to Compel Interrogatory Further Answers (ECF No. 5978). Irico reserves the right to amend or supplement these Supplemental Objections and Responses (the “Responses”) to the extent allowed by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California (“Local Rules”). Subject to and without waiving any of Irico’s General and Specific Objections as set forth below, Irico is willing to meet and confer with Plaintiff regarding such General and Specific Objections.

The following Responses are made only for purposes of this case. The Responses are subject to all objections as to relevance, materiality and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court. All evidentiary objections and grounds are expressly reserved.

GENERAL OBJECTIONS

Irico makes the following General Objections to Plaintiff’s Interrogatories:

1. Irico’s Responses are based upon information available to and located by Irico as of the date of service of these Responses. In responding to Plaintiff’s Interrogatories, Irico states that it has conducted a diligent search, reasonable in scope, of those files and records in its possession, custody, or control believed to likely contain information responsive to Plaintiff’s Interrogatories.

2. No express, incidental, or implied admissions are intended by these Responses and should not be read or construed as such.

3. Irico does not intend, and its Responses should not be construed as, an agreement or acquiescence with any characterization of fact, assumption, or conclusion of law contained in or implied by the Requests.

1 4. Irico objects to Plaintiff's Interrogatories to the extent that they are overly broad,
2 unduly burdensome, oppressive, and duplicative to the extent that they seek information or
3 documents that are already in the possession, custody, or control of Plaintiff.

4 5. Irico objects to Plaintiff's Interrogatories to the extent that they seek to impose
5 obligations on Irico beyond those of the Federal Rules of Civil Procedure, the Local Rules, or any
6 Order of this Court.

7 6. Irico objects to Plaintiff's Interrogatories to the extent that they request duplicative
8 discovery in violation of the Order Re Discovery And Case Management Protocol, ECF No.
9 1128. *See* Order Re Plaintiffs' Motions To Compel Supplemental Discovery From Toshiba And
10 Panasonic, ECF No. 4128, at 4 ("The Discovery Protocol (ECF No 1128), requires parties to
11 coordinate discovery and not file duplicative discovery. . . . The benefit redounds to all parties on
12 both sides of the litigation, by conserving the efforts required by plaintiffs and protecting
13 defendants against unnecessary duplication of effort.") (Report and Recommendation adopted in
14 full at ECF No. 4256).

15 7. Irico objects to Plaintiff's Interrogatories to the extent they seek information that is
16 not relevant or disproportionate to the needs of the case.

17 8. Irico objects to Plaintiff's Interrogatories to the extent that they are vague,
18 ambiguous, or susceptible to more than one interpretation. Irico shall attempt to construe such
19 vague or ambiguous Interrogatories so as to provide for the production of responsive information
20 that is proportionate to the needs of the case. If Plaintiff subsequently asserts an interpretation of
21 any Interrogatory that differs from Irico's understanding, Irico reserves the right to supplement or
22 amend its Responses.

23 9. Irico objects to Plaintiff's Interrogatories to the extent that they contain terms that
24 are insufficiently or imprecisely defined. Irico shall attempt to construe such vague or ambiguous
25 Interrogatories so as to provide for the production of responsive information that is proportionate
26 to the needs of the case.

27 10. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
28 that is protected from disclosure by the attorney-client privilege, work product doctrine, joint

1 defense or common interest privilege, self-evaluative privilege, or any other applicable privilege
2 or immunity. Irico will provide only information that it believes to be non-privileged and
3 otherwise properly discoverable. Nothing in Irico's responses is intended nor should be construed
4 as a waiver of any such privilege or immunity. The inadvertent or mistaken provision of any
5 information or responsive documents subject to any such doctrine, privilege, protection or
6 immunity from production shall not constitute a general, inadvertent, implicit, subject-matter,
7 separate, independent or other waiver of such doctrine, privilege, protection or immunity from
8 production.

9 11. Irico objects to Plaintiff's Interrogatories to the extent that they call for
10 information that is not in the possession, custody, or control of Irico. Irico also objects to the
11 extent that any of Plaintiff's Interrogatories seek information from non-parties or third parties,
12 including but not limited to any of Irico's subsidiary or affiliated companies.

13 12. Irico objects to Plaintiff's Interrogatories to the extent that responding would
14 require Irico to violate the privacy and/or confidentiality of a third party or confidentiality
15 agreement with a third party.

16 13. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
17 that is publicly available, already in Plaintiffs' possession, custody, or control, or more readily
18 available from other sources.

19 14. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
20 or documents concerning transactions outside the United States. Such Requests are unduly
21 burdensome and disproportionate to the needs of the case as Plaintiffs' class definition is confined
22 to "individuals and entities that indirectly purchased Cathode Ray Tube Products . . . in the United
23 States" (see Indirect Purchaser Plaintiffs' Fifth Consolidated Amended Complaint ("Complaint")
24 dated September 19, 2019).

25 15. Irico objects to Plaintiff's Interrogatories to the extent that compliance would
26 require Irico to violate the laws, regulations, procedures, or orders of a judicial or regulatory body
27 of foreign jurisdictions.
28

1 16. Irico's responses, whether now or in the future, pursuant to Plaintiff's
2 Interrogatories should not be construed as either (i) a waiver of any of Irico's general or specific
3 objections or (ii) an admission that such information or documents are either relevant or
4 admissible as evidence.

5 17. Irico objects to Plaintiff's Interrogatories to the extent that they are compound
6 and/or contain discrete subparts in violation of Federal Rule of Civil Procedure 33(a)(1).

7 18. Irico objects to Plaintiff's Interrogatories to the extent that they state and/or call for
8 legal conclusions.

9 19. Irico objects to the Interrogatories to the extent that they contain express or implied
10 assumptions of fact or law with respect to the matters at issue in this case.

11 20. Irico objects to the Interrogatories to the extent they seek information or
12 documents that cannot be removed or transmitted outside China without violating the laws and
13 regulations of that country, including but not limited to restrictions on the transmission of state
14 secrets or trade secrets as those terms are defined under Chinese law.

15 21. Irico reserves the right to assert additional General and Specific Objections as
16 appropriate to supplement these Responses.

17 These General Objections apply to each Interrogatory as though restated in full in the
18 responses thereto. The failure to mention any of the foregoing General Objections in the specific
19 responses set forth below shall not be deemed as a waiver of such objections or limitations.

20 **GENERAL OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

21 1. Irico objects to the definition of "DPPs' Written Discovery" (Definition No. 1) on
22 the grounds that it is vague, ambiguous and overly broad.

23 2. Irico objects to the definition of "IPPs' Written Discovery" (Definition No. 2) on
24 the grounds that it is vague, ambiguous and overly broad.

25 3. Irico objects to the definition of "Document" (Definition No. 3) to the extent it
26 seeks to impose requirements that are beyond those imposed by the Federal Rules of Civil
27 Procedure, the Local Rules, any Order of this Court, or any other applicable laws.

28 4. Irico objects to the definitions of "Including" and "Relating" (Definition No. 4) on

1 the grounds that it calls for a legal conclusion and is otherwise vague, ambiguous, and overly
2 broad. Irico further objects to this definition to the extent that it attempts to impose burdens on
3 Irico beyond those imposed by the Federal Rules of Civil Procedure. Irico further objects to this
4 definition to the extent that it seeks information protected by the attorney client or other
5 applicable privilege, attorney work product doctrine, or otherwise seeks to violate rights of
6 privacy under U.S. or foreign law.

7 5. Irico objects to the definitions of “You” and “Your” (Definition No. 5) to the
8 extent that Plaintiff defines those terms to include the Irico’s “present and former members,
9 officers, agents, employees, and all other persons acting or purporting to act on their behalf,
10 including all present and former members, officers, agents, employees, and all other persons
11 exercising or purporting to exercise discretion, making policy, and make decisions.” This
12 definition is overbroad, unduly burdensome, vague, and ambiguous. In particular, Irico objects to
13 this definition to the extent it purports to request information beyond the possession, custody, or
14 control of Irico Group or Irico Display, including but not limited to information in the possession
15 of non-parties and third parties where Irico lacks any duty to obtain or otherwise search for the
16 information and for whom the Court lacks personal jurisdiction. Irico also objects to the inclusion
17 of all “present or former employees, officers, directors, agents . . . or any other person acting on
18 [the] behalf [of]” Irico within this definition to the extent it purports to encompass information
19 that is protected by attorney-client privilege, work product protection or any other applicable
20 doctrine, privilege, protection or immunity or otherwise calls for a legal conclusion.

21 6. Irico objects to Instruction No. 1 (related to disclosure of additional information) to
22 the extent it purports to impose burdens or obligations broader than, inconsistent with, or not
23 authorized under the Federal Rules of Civil Procedure, including, without limiting the generality
24 of the foregoing, Rule 26(e).

25 7. Irico objects to Instruction No. 2 (related to production of business records) to the
26 extent that it purports to impose burdens or obligations broader than, inconsistent with, or not
27 authorized under the Federal Rules of Civil Procedure, including, without limiting the generality
28 of the foregoing, Rule 33(d), Rule 26(b). Irico further objects to this Instruction to the extent that

1 it purports to impose burdens or obligations broader than, inconsistent with, or not authorized
2 under, the Local Rules and any Orders of the Court.

3 8. Irico objects to Instruction No. 3 (related to privileged information) to the extent
4 that it purports to impose burdens or obligations broader than, inconsistent with, or not authorized
5 under the Federal Rules of Civil Procedure, including, without limiting the generality of the
6 foregoing, Rule 33(d), Rule 26(b)(5)(A) and Rule 26(e)(1). Irico further objects to this Instruction
7 to the extent that it purports to impose burdens or obligations broader than, inconsistent with, or
8 not authorized under, the Local Rules and any Orders of the Court, and on the grounds that it is
9 vague, ambiguous, and inconsistent with common usage. Irico further objects to this Instruction to
10 the extent it seeks information that would disclose personal confidential information and/or
11 violate any and all rights of privacy under the United States Constitution or Article I of the
12 Constitution of the State of California, or any other applicable law or state constitution, or that is
13 otherwise prohibited from disclosure because to do so would cause Irico to violate legal and/or
14 contractual obligations to any other persons or entities.

15 **SPECIFIC RESPONSES TO INTERROGATORIES**

16 **INTERROGATORY NO. 2**

17 State whether Irico implemented a litigation hold to preserve potentially discoverable
18 evidence relating to the alleged misconduct in this litigation. If your answer is in the affirmative:

19 (a) state the date (or dates) that the litigation hold notice was issued;

20 (b) state the date when the litigation hold was implemented;

21 (c) describe in detail the scope of the litigation hold, including the categories of
22 documents, electronically stored information (ESI), or other tangible evidence that are
23 subject to the litigation hold;

24 (d) identify the recipients of the litigation hold notice; and

25 (e) describe any steps taken to ensure compliance with the litigation hold.

26 **RESPONSE TO INTERROGATORY NO. 2**

27 Irico reasserts and incorporates each of the General Objections and Objections to the
28 Definitions and Instructions set forth above. Irico further objects that this interrogatory to the

1 extent that it requests the disclosure of information protected by the attorney-client privilege or
2 attorney work product doctrine.

3 Subject to and without waiving the objections stated above, Irico responds that, in summer
4 2008, the company orally instructed key employees to preserve documents related to sales of CRT
5 to the United States. It was determined that Irico possessed no such documents. As discussed in
6 more detail below, all documents required to be maintained under Chinese law were preserved at
7 that time. Around September 2017, when Irico reentered the litigation for the purposes of
8 contesting jurisdiction and asserting a foreign sovereign immunity defense, Irico confirmed the
9 need to preserve existing documents relevant to the litigation from the time period 1995 to 2007
10 with managers from each operational department, including finance and accounting, legal, HR,
11 and sales. The managers conveyed this message orally to relevant employees under their
12 supervision.

13 In addition to the preservation efforts described above, and as Irico has explained in other
14 discovery responses, *see* Irico's Supplemental Objections and Responses to Interrogatory No. 16
15 as stated in Irico Defendants' Fourth Supplemental Objections and Responses to Direct Purchaser
16 Plaintiffs' First Set of Interrogatories, pursuant to Chinese law, the Ministry of Finance and State
17 Archives Administration requires companies like Irico to maintain and preserve certain
18 documents and materials, including but not limited to original invoices for sales, accounting
19 books, general ledgers, financial accounting reports, and bank statements. *See* IRI-CRT-
20 00000900. Irico is not aware of such archived records from 1995-2007 being destroyed given the
21 retention periods required by the Chinese government. In addition, Irico's internal practices
22 included the maintenance of additional archives of material related to operational documents,
23 administrative documents, technical records and communications with agencies of the PRC
24 government and Chinese Communist Party.¹ Irico is not aware of any such records from the 1995
25 to 2007 time period that were preserved in the various archives being destroyed.

26 ///

27 ///

28 ¹ Additional information regarding the documents maintained in Irico's archives can be found in Irico's December 18, 2020 letter to Plaintiffs regarding discovery issues.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2

On December 22, 2021, the Special Master issued the Order Re DPPs' Motion to Compel Interrogatory Further Answers, ECF No. 5978, directing Irico to "to furnish supplemental responses to Interrogatory No 2 as set forth below" and listing eleven (11) enumerated paragraphs. In this Supplemental Response, Irico repeats below each issue identified by the Special Master, corresponding to the enumerated paragraphs, and responds as follows:

ISSUE NO. 1

With respect to the communications or work product that Irico objected to identifying in its response to Interrogatory No 2, Irico is directed to identify the dates of any such communications or work product, the parties thereto, the subjects thereof and sufficient information to enable the PPs and the undersigned to determine whether a claim of privilege or protection is warranted.

RESPONSE TO ISSUE NO. 1

With respect to Irico's objection to discovery of any privileged communications or work product requested by Interrogatory No. 2, Irico responds that it is not objecting to or withholding any information on such a basis and therefore is not identifying any information in response to Issue No. 1.

ISSUE NO. 2

Identify by names and positions at Irico at all times from 2007 to the present the "key employees" referred to in Irico's response to Interrogatory No 2.

RESPONSE TO ISSUE NO. 2

Irico provides the following information about known "key employees" referenced in response to Interrogatory No. 2.

- Tao Kui
 - 05/2001 – 09/2013
 - Irico Group, Party Secretary and Deputy General Manager
 - 03/2013
 - Member of the Party Leading Group of China Electronics Information Industry Group Co., Ltd.
 - 05/2013 – approx. 2014
 - Irico Group, Party Secretary and Director (*retired*)

- 1 • Wang Ximin
 - 2 ○ 2007 – 09/2011
 - 3 ▪ Irigo Display, General Manager
 - 4 ○ 09/2011 – 09/2013
 - 5 ▪ Irigo Group, General Economist and General Manager of Shaanxi Branch
(retired)
- 6 • Shen Xiaolin
 - 7 ○ 08/2004 – 11/2007
 - 8 ▪ Irigo Group, Sales Company, General Manager
 - 9 ○ 11/2007 – 01/2009
 - 10 ▪ Irigo Display, Assistant to General Manager and General Manager of Sales
Department
 - 11 ○ 01/2009 – 09/2013
 - 12 ▪ Irigo Display, Deputy General Manager, and General Manager of Sales
Department
 - 13 ○ 09/2013 – 10/2015
 - 14 ▪ Zhuhai Caizhu Limited Company, Managing Director (retired)
- 15 • Liu Maihai
 - 16 ○ Title as of June 2008
 - 17 ▪ Irigo Group Electronics Co., Ltd., Sales Director
 - 18 ○ Irigo has been unable to confirm employment information for Liu Maihai, other
than his title in June 2008 when the 2008 Litigation Committee was formed (see
19 Response to Issue No. 3). Irigo believes that Liu Maihai left Irigo within several
20 years of the filing of the lawsuit.
- 21 • Liang Yuan
 - 22 ○ Title as of June 2008
 - 23 ▪ Irigo Group Electronics Co., Ltd., Head of Overseas Department and
Assistant to the General Manager of the Marketing Department
 - 24 ○ Irigo has been unable to confirm employment information for Liang Yuan, other
than her title in June 2008 when the 2008 Litigation Committee was formed (see
25 Response to Issue No. 3). Irigo believes that Liang Yuan left Irigo within several
26 years of the filing of the lawsuit.

27 Irigo has conducted a search for more detailed employment information for Liu Maihai
28 and Liang Yuan, including a review of Irigo's HR files, but has not been able to find information
beyond that listed above. Likewise, Irigo cannot confirm the exact date that Tao Kui retired from
Irigo but, based on the best recollection of its available employees, believes that it is around 2014.

As discussed below in Irigo's Response to Issue No. 4, each of these employees also
communicated with employees under their supervisions in an effort to identify and preserve
documents related to potential Irigo sales of CRTs to the United States, if any such records
existed.

1 **ISSUE NO. 3**

2 State how Irico determined that the persons identified in Irico's response to No 2, above,
3 were determined to be "key employees."

4 **RESPONSE TO ISSUE NO. 3**

5 The Irico employees identified in Irico's Response to Issue No. 2, above, were members
6 of a group of Irico employees appointed to oversee Irico's response to the litigations in the above
7 referenced action (the "2008 Litigation Committee") in June 2008. The other members of the
8 committee were Gao Rongguo, Director, Corporate Management Department, Irico Group, and
9 Yan Yunlong, Legal Affairs Manager, Corporate Management Department, Irico Group. The
10 employees identified in Irico's Response to Issue No. 2 were those with managerial responsibility
11 for the departments at Irico that Irico believed would have documents related to potential Irico
12 sales of CRTs to the United States, if any such records existed. Each of these individuals then
13 selected the employees under their supervision who might have information regarding Irico sales
14 of CRTs to United States, if any.

15 **ISSUE NO. 4**

16 Explain how the 2008 "oral instruction" referred to in Irico's response to Interrogatory No
17 2 was conveyed; specifically, Irico is required to identify by name and position all persons who
18 conveyed the "oral instruction," the dates each such person conveyed the "oral instruction," the
19 persons by names and positions at the time to whom the "oral instruction" was conveyed, the
20 offices, facilities or other locations at which the "oral instruction" was conveyed, the content of
21 the "oral instruction" and all reasons upon which Irico contends the "oral instruction" was
22 effective if Irico so contends.

23 **RESPONSE TO ISSUE NO. 4**

24 The 2008 Litigation Committee held a meeting in August 2008 at Irico Group's
25 headquarters building in Xianyang City during which the instructions to preserve documents were
26 discussed. The instructions were conveyed to the employees identified in Irico's Response to
27 Interrogatory No. 2 at this and subsequent meetings. At that time Irico understood that, given the
28 instant litigation arose under the antitrust laws of the United States, the focus of the litigation was

1 on sales of CRTs to the United States. The individuals identified in the Response to Issue No. 2
2 were tasked to search for documents and to identify other employees under their supervision and
3 instruct them to search for documents that might relate to the Irico sales in the United States and
4 to preserve such documents, if any existed. Irico believes that these efforts to search for and
5 preserve documents would have occurred immediately after the above-referenced meetings of the
6 2008 Litigation Committee in August or September 2008.

7 Irico has conducted a thorough search for additional information requested by the Court in
8 Issue No. 4 but has been unable to find additional information. Specifically, it cannot find
9 documents detailing the specific information and its answers are based on the recollections of Yan
10 Yunlong, the only remaining Irico employee with knowledge of the dissemination of the oral
11 instruction in 2008. All of the members of the 2008 Litigation Committee other than Yan
12 Yunlong have retired or otherwise departed the company.

13 Yan Yunlong recalls that the employees identified in the Response to Issue No. 2
14 contacted relevant employees and searched for documents, but that no documents relevant to the
15 sales of CRTs by Irico to the United States were identified at that time. Despite best efforts, Irico
16 has been unable to identify the specific individuals contacted by the employees identified in
17 Response to Issue No. 2.

18 Irico believes that the oral instructions provided at the time were sufficient to preserve
19 documents related to potential sales by Irico to the United States. Irico acknowledges that at the
20 time it misunderstood the scope of document preservation in connection with the litigation in the
21 United States and cannot be certain that all documents related to Irico's global sales of CRTs
22 were preserved.

23 **ISSUE NO. 5**

24 Identify the information that confirms, or the basis to believe, that the "oral instruction"
25 referred to in Irico's response to Interrogatory No 2 was adequate to prevent the destruction of
26 evidence that otherwise would have been preserved in compliance with an otherwise adequate
27 litigation hold.
28

1 **RESPONSE TO ISSUE NO. 5**

2 Irico does not contend that the oral instruction in 2008 was effective in preserving all
3 documents related to its global sales of CRTs, however, because Irigo did not sell CRTs to the
4 United States, Irigo's search at the time did not identify any documents concerning Irigo's sales of
5 CRTs to the United States and thus no documents on this topic were lost or destroyed.

6 **ISSUE NO. 6**

7 If the summer 2008 "oral instruction" referred to in Irigo's response to Interrogatory No 2
8 had not been limited to "sales of CRT to the United States," but rather to sales of CRT without
9 regard to location, identify all documents and information that otherwise would be preserved.

10 **RESPONSE TO ISSUE NO. 6**

11 Irico has made best efforts to identify specific documents and information that might have
12 been preserved if the "oral instruction" in 2008 had not been limited to the United States. Nearly
13 all of the employees knowledgeable about what types of documents related to Irigo's sales of
14 CRTs were created and/or maintained during the relevant time period are no longer employed by,
15 and are not available to, Irigo. Identifying such specific documents that existed in 2008 is nearly
16 impossible given the time that has elapsed and the lack of employees with knowledge of these
17 issues. As discussed, Irigo regularly preserved documents and information in its archives pursuant
18 to Chinese law and its internal practices so extensive information regarding Irigo's global sales of
19 CRTs was preserved regardless of the oral instruction provided in 2008. These categories of
20 preserved documents are detailed in Irigo's Response to Issue Nos. 7 and 11 and include several
21 categories of documents related to sales of CRTs, including but not limited to accounting records,
22 invoices, planning documents, some production and sales reports, and travel and entertainment
23 reimbursements. In terms of documents that would not have been preserved in the archives, Irigo
24 identifies the following types of documents regarding Irigo's global sales of CRTs that are more
25 likely to have existed in the summer of 2008:

- 26 • Sales reports containing general CRT market information;
27 • CRT sales contracts with customers;
28 • Recent correspondence with customers regarding CRT sales; and,

- Handwritten working notes regarding recent internal and customer meetings attended by members of Irico's sales team.

Irico has not been able to verify that specific documents in these categories existed in summer of 2008. As noted above, there may have been other categories of documents that existed at the time of the oral litigation hold in 2008, but Irico cannot identify those documents at this time.

ISSUE NO. 7

Identify by type all documents and information related to sales of CRT without regard to location during the period 1997 to 2007 that were required to be preserved in accordance with applicable Chinese law.

RESPONSE TO ISSUE NO. 7

During the period 1997 to 2007 Chinese law required companies such as Irico to retain hard-copy documents that contained financial information derived from Irico's sales of CRTs such as accounting books, general ledgers, and financial accounting reports, however, the only documents directly related to sales of CRTs that were required to be maintained under Chinese law were original invoices for sales of CRTs.

ISSUE NO. 8

Identify by type all documents related to sales of CRT without regard to location during the period 1997 to 2007 that Irico generated, but was not required by Chinese authorities to preserve, and describe the information that such documents contained.

RESPONSE TO ISSUE NO. 8

Irico has attempted to locate information regarding the types of documents related to the sales of CRTs that Irico would have generated during the period 1997 to 2007 that were not required to be preserved by Chinese authorities. As discussed above, nearly all of the employees knowledgeable about what types of documents related to Irico's sales of CRTs were created and/or maintained during the period 1997 to 2007 are no longer employed by, and are not available to, Irico. Consistent with its retention practices, Irico believes that most of those documents would not have been retained in the ordinary course of business and were unlikely to

1 have existed at the end of 2007. Identifying such specific documents, let alone their contents, is
2 nearly impossible given the time that has elapsed and the lack of employees with knowledge of
3 these issues. The information found by Irico regarding regularly prepared materials is detailed
4 below. Irico believes that it is likely that other categories of documents were generated but not
5 retained due to changes in Irico's business over the course of the relevant time period. For
6 example, Irico exited CDT production around 2002, and believes that it may not have retained
7 materials related to the sales of CDTs through 2007. Additionally, Irico stopped production of
8 various types of CPTs during the relevant time period, and re-deployed that space for other uses.
9 Finally, there may have been periodic or "one off" materials prepared during this time period, but
10 Irico is not aware of such materials today.

11 Sales reports containing general CRT market information

12 The sales department prepared weekly- and monthly-summaries of information collected
13 by its employees. Irico has been unable to determine whether such reports were created during the
14 period 1997 to 2004. The reports focused on Irico's customers, who were primarily Chinese
15 television manufacturers. Both the weekly- and monthly-reports generally included information
16 regarding customers, competitors and general market information. It is not clear how long those
17 materials were kept after their creation, and Irico is unable to determine whether such materials
18 would have existed at the time of the instruction to preserve.

19 CRT sales contracts with customers

20 Irico entered into sales contracts with some customers regarding its sales of CRTs. Some
21 contracts pertained to general terms for sales to that customer, including post-sale issues such as
22 shipping terms and procedures. Others pertained to specific transactions and included information
23 such as product description, product quantity, unit price, and invoice total. Irico believes that it is
24 unlikely that many of these documents existed at the end of 2007 because Irico exited CDT
25 production around 2002, and stopped production of various types of CPTs during the relevant
26 time period.

27 ///

28 ///

1 Correspondence with customers regarding CRT sales

2 Although Irico primarily communicated with customers face-to-face or over the phone, it
3 believes that some communications with customers would have taken place via facsimile. The
4 contents of these facsimiles varied but generally contained information related to a customer's
5 purchase of CRTs that would be captured in the original sales invoice such as type, quantity, and
6 price. Facsimiles were not required to be maintained under Chinese law and were routinely
7 discarded in the ordinary course of Irico's business. Irico believes that it is unlikely that many of
8 these documents existed at the end of 2007 because Irico exited CDT production around 2002 and
9 stopped production of various types of CPTs during the relevant time period.

10 Handwritten working notes

11 Irico understands that individual employees may have taken handwritten notes while
12 performing their job functions. Irico believes that these were regularly discarded by the
13 employees during the course of their employment. For example, Wang Zhaojie and Wang Ximin
14 regularly discarded such notes during the course of their employment but cannot recall any
15 specifics regarding those instances. The notes most likely covered the employees' regular
16 activities as members of Irico's sales department including notes of internal meetings, customer
17 contacts, and customer meetings. Wang Zhaojie also recalls taking notes related to individual
18 sales transactions (such as customer, quantity, and price) but discarded those notes shortly after
19 the sales documents were prepared. Irico believes that it is unlikely that many of these notes
20 existed at the end of 2007 because Irico exited CDT production around 2002, and stopped
21 production of various types of CPTs during the relevant time period. Additionally, by 2008 many
22 employees connected to Irico's sales were no longer employed by Irico, some of whom left much
23 earlier in the relevant time period.

24 Emails

25 Although Irico did not begin to use email until toward the end of the relevant time period,
26 many employees did not have their own email account at any time during the relevant time
27 period, and the company did not rely on email as a primary form of communication during any
28 point in the relevant time period. Irico is aware of emails sent or received on the following topics:

- 1 • Notices from Irico regarding corporate policies.
- 2 • Notices from the Chinese Communist Party.
- 3 • CRT manufacturing—Irico understands that its manufacturing plants sent periodic
- 4 emails related to the production of CRTs that may have discussed the quantity of
- 5 CRTs produced for a given time period, quality issues, and problems or incidents
- 6 that affected the production output. Irico understands that these were not sent on a
- 7 routine basis (i.e., daily, weekly, or monthly), but rather more sporadically because
- 8 as an organization Irico made no effort to routinize its use of email in the regular
- 9 course of business.
- 10 • Planning for Meetings of the China CPT Industry Association—Irico understands
- 11 that emails were exchanged between Irico and other Chinese CRT manufacturers
- 12 regarding the scheduling and planning of meetings of the China CPT Industry
- 13 Association, a trade organization for manufacturers of CPTs.

14 As noted in its prior discovery responses, Irico's email storage capacity was very limited during
15 the relevant time period, and each individual account had limited capacity as well. This meant that
16 the users of the accounts had to constantly delete emails in order to continue receiving new
17 emails. In addition to the account-level limitations, Irico's central email server likewise had
18 limited email storage and Irico was forced to routinely delete emails from the server in order to
19 create sufficient storage capacity for the company to continue to receive emails. During regular
20 working periods emails were deleted from the server three to five days after they were sent or
21 received on average, depending on the volume of email traffic. During periods of lower email
22 activity, such as during Chinese holidays, emails would be deleted less frequently and it is
23 possible that email for up to a fourteen day period would be retained on the company's return
24 from the holiday before Irico needed to resume a more regular schedule as business activities
25 returned to normal. For these reasons, and Irico's exit from many segments of the CRT market
26 prior to 2008, Irico is not able to determine whether email created during the relevant time period
27 existed at the end of 2007, or the volume or type of such email.

28 ///

1 Sales Data

2 Irico did not utilize electronic databases to store information related to sales of CRTs in a
3 systematic or routine manner, but between 1999 and 2002 Irico Group's finance department
4 sporadically entered information utilizing a database software called Newgrand. Specifically,
5 during those years Irico entered partial revenue information from its sales of CRTs. During the
6 period April 2006 through end of the 2007, Irico Display's finance department utilized a database
7 program called Kingdee to track revenue and other accounting data related to sales of CRTs. All
8 of these Newgrand and Kingdee data were produced to Plaintiffs during FSIA discovery. Irico
9 does not believe that either database was, or is, a complete dataset for the period of time that those
10 data were entered, as electronic databases are not among the categories of information required to
11 be maintained under Chinese accounting laws and therefore were not considered important
12 sources of information to Irico. But Irico is not aware of any Newgrand or Kingdee data that
13 existed from the time period 1997 to 2007 but has not been provided to Plaintiffs.

14 Corporate Archives

15 As described previously and in the below Response to Issue No. 11, Irico also preserved
16 various documents in its archives pursuant to its internal practices, some of which also related to
17 sales of CRTs, including but not limited to planning documents, financial reports and some
18 production and sales reports, which have not been detailed here.

19 **ISSUE NO. 9**

20 With respect to the 2017 "oral instruction" referred to in Irico's response to Interrogatory
21 No 2, Irico is required to identify by name and position all persons who conveyed the "oral
22 instruction," the dates each such person conveyed the "oral instruction," the persons by names
23 and positions at the time to whom the "oral instruction" was conveyed, the offices, facilities or
24 other locations at which the "oral instruction" was conveyed, the content of the "oral instruction"
25 and all reasons upon which Irico contends the "oral instruction" was effective if Irico so contends.

26 **RESPONSE TO ISSUE NO. 9**

27 The 2017 oral instruction was conveyed by Zhang Wenkai, Deputy Director, Legal Affairs
28 Department for Irico Group. The oral instruction asked the employees to preserve all existing and

1 identified information related to Irico's CRTs from 1995 to 2007 (without a geographic
2 limitation, i.e., not solely related to sales of CRTs to the United States), and to preserve any newly
3 found materials. The instruction was conveyed in meetings or discussions that occurred in
4 September and October 2017; Irico has reviewed its available files but has been unable to
5 determine the exact dates of the meetings. Mr. Zhang separately communicated the oral
6 instruction to the following employees:

- 7 • Zhong Yuming: Business Manager, Human Resources Department, Irico Group.
 - 8 ○ Mr. Zhang met with Mr. Zhong in person in the offices of the Human
 - 9 Resources Department located at Irico Group's headquarters, 1 Caihong
 - 10 Road, Qindu District, Xianyang City, Shaanxi Province, People's Republic
 - 11 of China.
- 12 • Yang Hua: Director, Finance Department, Irico Group.
 - 13 ○ Mr. Zhang met with Ms. Yang in person in the offices of the Finance
 - 14 Department located at Irico Group's headquarters, 1 Caihong Road, Qindu
 - 15 District, Xianyang City, Shaanxi Province, People's Republic of China.
- 16 • Wang Zhaojie: General Manager, Irico Group New Energy Co., Ltd. Formerly
17 Mr. Wang was Director of Sales, Irico Sales Company and Irico Sales Department.
 - 18 ○ Mr. Zhang called Mr. Wang, who was not in his office at the time of the
 - 19 call. Mr. Zhang believes that Mr. Wang was traveling in Hefei, Anhui
 - 20 Province, People's Republic of China.
- 21 • Su Xiaohua: Vice General Manager of Xianyang Irico Photovoltaic Technology
22 Company; Vice General Manager of Irico Photoelectric Materials Company.
23 Formerly Mr. Su was the Vice General Manager, Planning, Irico Sales Company
24 and Irico Sales Department.
 - 25 ○ Mr. Zhang and Mr. Su both recall that the instruction occurred during a
 - 26 phone call, but neither can recall where Mr. Su was at the time of the call.
 - 27 Mr. Su recalls that he was away from his office because his office was in
 - 28 Irico Group's headquarters building, as was Mr. Zhang's, and he would

1 have met directly with Mr. Zhang if he had been in the office.

- 2 • Li Mei: Head of Archives, Irico Group.
 - 3 ○ Mr. Zhang met with Ms. Li in person in the offices of the Archives
 - 4 Department, located in the Information Center building on Irico Group's
 - 5 main campus, 1 Caihong Road, Qindu District, Xianyang City, Shaanxi
 - 6 Province, People's Republic of China.
- 7 • Gao Xiangfeng: Director, Information Center, Irico Group.
 - 8 ○ Mr. Zhang met with Mr. Gao in person in the offices of the Information
 - 9 Center, located in the Information Center building on Irico Group's main
 - 10 campus, 1 Caihong Road, Qindu District, Xianyang City, Shaanxi
 - 11 Province, People's Republic of China.

12 The 2017 oral instruction was effective because the employees identified above were the
13 remaining employees that Irico determined were likely to have access to, or were designated
14 representatives of departments that maintained, documents from 1995 to 2007 that existed at the
15 time that the instruction was communicated in September or October 2017. Furthermore, Irico is
16 not aware of any potentially responsive documents from the time period 1995 to 2007 that were
17 lost or destroyed after September 2017.

18 **ISSUE NO. 10**

19 Inasmuch as Irico's response to Interrogatory No 2 states that Irico is not aware of the
20 destruction of "original invoices for sales, accounting books, general ledgers, financial accounting
21 reports, and bank statements" from 1995 to 2007, Irico shall state whether it is prepared to
22 produce all such materials to the PPs? If not, why not?

23 **RESPONSE TO ISSUE NO. 10**

24 By agreement between the parties, Irico has produced the identified, responsive materials
25 from accounting books, general ledgers, financial reports, and bank statements, and will be
26 producing Excel files summarizing the information contained in original invoices for sales
27 pursuant to a forthcoming stipulation between the parties.

28 As Irico has previously explained to the Court and to Plaintiffs, Irico's accounting

1 archives as described in its Response to Interrogatory No. 2 are voluminous and contain
2 significant amounts of information unrelated to its production or sales of CRTs, including
3 information related to the public functions entrusted to Irico by the Chinese government,
4 including the provision of primary and secondary public schools, the local police department, a
5 hospital, public transportation, and public recreational facilities (*see* Irico Group Corp.’s Mot. to
6 Dismiss for Lack of Subject Matter Jur. at 5, ECF No. 5312), and other non-CRT business
7 interests. Irico and Plaintiffs have been meeting and conferring throughout the discovery period
8 regarding these documents regarding the burden of production outweighing the benefits of
9 producing all of these materials, including for Plaintiffs as said production would require
10 Plaintiffs to review and analyze a large volume of non-responsive information. As discussed
11 above, the Parties have agreed on the scope of production of these materials.

12 **ISSUE NO. 11**

13 Irico is directed to describe its “internal practices” for the maintenance of “material related
14 to operational documents, administrative documents, technical records and communications with
15 agencies of the PRC government and Chinese Communist Party.”

16 **RESPONSE TO ISSUE NO. 11**

17 As discussed in more detail below and previously described in its initial response to
18 Interrogatory No. 2, Irico preserves documents within its corporate archives related to four main
19 categories: operational documents, administrative documents, technical records and
20 communications with agencies of the PRC government and Chinese Communist Party.
21 Documents preserved in these categories apply not only to the portion of Irico’s business
22 concerning production and sales of CRTs, but also those related to the public functions entrusted
23 to Irico by the Chinese government, including the provision of primary and secondary public
24 schools, the local police department, a hospital, public transportation, and public recreational
25 facilities (*see* Irico Group Corp.’s Mot. to Dismiss for Lack of Subject Matter Jur. at 5, ECF No.
26 5312), and also other non-CRT business interests. Once a document is passed to the archives
27 department of Irico, a member of the archives team enters the document into the archives. The
28 documents are physically placed into bound-books, or into folders within bound books, and the

1 books are stored in the archives department at Irico's headquarters. Once placed in the archives,
2 the documents may not be damaged or destroyed without specific authorization.

3 Within each of the four categories described above, Irico maintains the following types of
4 documents in its corporate archives:

5 • Operational documents:

6 ○ Documents related to business decisions, including:

- 7 ■ Strategic planning and long-term forecasting.
- 8 ■ Development plans.
- 9 ■ Work plans.
- 10 ■ Changes in management.
- 11 ■ Communications to or from government agencies regarding the
- 12 above topics.

13 ○ Documents related to accounting and finance, including:

- 14 ■ Financial reports.
- 15 ■ Financial planning.
- 16 ■ Audited financial statements.
- 17 ■ Loan applications.
- 18 ■ Accounting policies.
- 19 ■ Transfers of financial interests in other companies.
- 20 ■ Communications to or from government agencies regarding any of
- 21 the above topics.

22 ○ Annual production and sales reports from 1995 to 2004.

23 ○ Status reports for procurement of raw materials.

24 ○ Communications to or from governmental entities regarding enterprise
25 decisions.

26 ○ Adjustments to corporate form, including subsidiaries.

27 • Administrative documents:

28 ○ Documents related to administrative matters, including:

- 1 ▪ Year-end summaries of work completed in the prior year.
- 2 ▪ Work plans for the coming year.
- 3 ▪ Award notices.
- 4 ▪ The minutes of annual administrative meetings and board of
- 5 directors' meetings.
- 6 ▪ Requests for approval of corporate development initiatives, changes
- 7 to corporate form, and capital expenditures.
- 8 ▪ Decisions on requests for approval of corporate development
- 9 initiatives, changes to corporate form, and capital expenditures by
- 10 governmental entities, including the State-owned Assets
- 11 Supervision and Administrative Commission of the State Council
- 12 (SASAC), and the Shaanxi provincial government.
- 13 ○ Documents related to HR matters, including:
 - 14 ▪ Notices of the appointment to, or removal from, positions issued by
 - 15 various departments within the Chinese government including the
 - 16 Department of Personnel and Education, the Ministry of
 - 17 Information and Industry, the Economy and Trade Commission.
 - 18 ▪ Notices of the appointment to, or removal from, positions issued by
 - 19 Shaanxi provincial authorities.
 - 20 ▪ Notices of the appointment to, or removal from, positions issued by
 - 21 the government of the city of Xianyang.
 - 22 ▪ Notices of the appointment to, or removal from, positions issued by
 - 23 Irico.
 - 24 ▪ Policies issued by Irico and its subdivisions regarding HR matters.
 - 25 ○ Documents related to Irico's provision of educational facilities.
 - 26 ○ Documents related to environmental issues.
 - 27 • Technical records:
 - 28 ○ Quality management.

- Labor-related matters.
- Energy-related matters.
- Production security.
- Technology.
- Environmental protection.
- Metering work.
- Standardization.
- File information.
- Chinese Communist Party-related matters:
 - Meeting minutes and plans of the Party.
 - Administrative matters.
 - Public relations matters.
 - Discipline and inspection matters.
 - Labor union matters.
 - Communist Youth League matters.
 - Association matters.

INTERROGATORY NO. 4

State when and how You first learned of potential anticompetitive conduct concerning the pricing of Cathode Ray Tubes.

RESPONSE TO INTERROGATORY NO. 4

Irco reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irco further objects to the undefined terms “potential,” “concerning” and “pricing” as they render the interrogatory vague and ambiguous. Irco also objects to the undefined term “anticompetitive conduct” on the grounds that it calls for a legal conclusion and is otherwise vague, ambiguous, and overbroad.

Subject to and without waiving the objections stated above, Irco responds that it first learned of the allegations in Plaintiff’s Complaint on December 25, 2007, when it received a summons from the United States District Court for the Northern District of California in the matter

1 *Figone v. L.G. Electronics, Inc.*, 07-cv-6381.

2 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4**

3 Pursuant to the Special Master's December 22, 2021 Order Re DPPs' Motion to Compel
4 Interrogatory Further Answers, ECF No. 5978, the Court has ordered Irico to respond to the
5 following request:

6 State when Irico had reason to believe that manufacturers or
7 distributors of CRT had at any time after 1997 communicated with
8 one another about prices or output of CRT and how Irico came to
9 this belief.

10 Subject to and without waiving any of the objections as stated in its original response,
11 Irico is not aware of any evidence or testimony that Irico learned of competitor communications
12 discussing prices or output of CRTs prior to August 1998. Irico further responds that one of its
13 employees may have learned of competitor communications regarding pricing of CRTs in early-
14 August 1998. The documents of an alleged co-conspirator, Chunghwa Picture Tubes, indicate
15 that Irico was invited to participate in a meeting with other manufacturers of CDTs on August 5,
16 1998 in Shenzhen, People's Republic of China. Irico has not been able to determine its
17 employees' actual knowledge or understanding of the communications at that meeting, or the
18 extent to which they may have involved communications about prices or output of CRTs, because
19 the Irico employee who was alleged to have attended the August 5 meeting (again, based on a
20 document produced by Chunghwa Picture Tubes), Wang Zhaojie does not remember attending
21 the meeting or any details of the meeting. All other known employees of the Sales Company from
22 that time period are no longer employed by, and no longer available to, Irico.

23
24
25 Dated: January 21, 2022

BAKER BOTTS L.L.P.

26
27 /s/ John M. Taladay

28 John M. Taladay (*pro hac vice*)
Evan J. Werbel (*pro hac vice*)

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Attorneys for Defendants
IRICO GROUP CORP. and
IRICO DISPLAY DEVICES CO., LTD.

CERTIFICATE OF SERVICE**In re: Cathode Ray Tube (CRT) Antitrust Litigation - MDL No. 1917**

I declare that I am employed in Washington, District of Columbia. I am over the age of eighteen years and not a party to the within case; my business address is: Baker Botts L.L.P., 700 K Street, N.W., Washington, D.C. 20001.

On January 21, 2022, I served the following document(s) described as:

**IRICO DEFENDANTS' SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO INDIRECT PURCHASER PLAINTIFFS'
THIRD SET OF INTERROGATORIES TO IRICO GROUP
CORPORATION AND IRICO DISPLAY DEVICES CO., LTD.**

on the following interested parties in this action:

R. Alexander Saveri (rick@saveri.com)
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[X] (BY ELECTRONIC MAIL) I caused such documents to be sent to the persons at the email addressed listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 21, 2022, in Rockville, Maryland.

/s/ Andrew L. Lucarelli

Andrew L. Lucarelli

Exhibit R

SAVERI & SAVERI, INC.
706 SANSOME STREET
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TELEPHONE: (415) 217-6810
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January 27, 2023

VIA EMAIL

Evan J. Werbel
Baker Botts LLP
700 K Street, N.W.
Washington, D.C. 20001
evan.werbel@bakerbotts.com

Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation* – MDL No. 1917,
Master File No. 07-CV-5944-JST

Dear Evan:

This letter follows up on your clients' responses to Direct Purchaser Plaintiff Arch's RFAs Nos. 161 through 167, served on February 23, 2022, regarding the authenticity and maintenance of documents your clients produced.¹ Now that Irico recently completed its document productions, the purpose of this letter is to respond to Irico's offer to "meet and confer with DPPs to discuss a more reasonable list of documents that could potentially be used at trial," as discussed in my May 19 letter to you and during our June 14 meet and confer call. DPPs propose the following narrowed list of Irico documents to which Irico would respond to RFAs Nos. 161 through 167:

<u>Production</u>	<u>Bates ranges</u>
1	IRI-CRT-00000517-30; IRI-CRT-00000676-79; IRI-CRT-00000736-46; IRI-CRT-00000773-85; IRI-CRT-00000805-54
2	IRI-CRT-00000953-1010; IRI-CRT-00001026-96
3	IRI-CRT-00001097-101
4	IRI-CRT-00001102-03
5	IRI-CRT-00001104-98
6	IRI-CRT-00001410-80
7	IRI-CRT-00003490-517
8	IRI-CRT-00003518-25
9	IRI-CRT-00003526-43
10	IRI-CRT-00003544-645
11	IRI-CRT-00003646-4168

¹ The Indirect Purchaser Plaintiffs will address the authenticity/business record status of Irico's documents and documents produced by other parties by stipulation, as envisioned by the Court's Jan. 5, 2023 Stipulation and Order Re: Case Schedule, ECF No. 6135.

Evan J. Werbel

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<u>Production</u>	<u>Bates ranges</u>
12	IRI-CRT-00004169-5996
13	IRI-CRT-00005997-8050
12 (rescans)	IRI-CRT-00008051-806; IRI-CRT-00008191-247; IRI-CRT-00008316-19; IRI-CRT-00008624-63; IRI-CRT-00008843-59
14	IRI-CRT-00009038-231
15	IRI-CRT-00009232-10769
16	IRI-CRT-000010770-1993
17	Bates beginning plus attachments: IRI-CRT-00012062; IRI-CRT-00012210; IRI-CRT-00012228; IRI-CRT-00012340; IRI-CRT-00012910; IRI-CRT-00013104; IRI-CRT-00013143; IRI-CRT-00013151; IRI-CRT-00013270; IRI-CRT-00013297; IRI-CRT-00013325; IRI-CRT-00013432; IRI-CRT-00013489; IRI-CRT-00013520; IRI-CRT-00014153; IRI-CRT-00014200; IRI-CRT-00014246; IRI-CRT-00014280; IRI-CRT-00014508; IRI-CRT-00014545; IRI-CRT-00014598; IRI-CRT-00014661; IRI-CRT-00014733; IRI-CRT-00015847; IRI-CRT-00016075; IRI-CRT-00016077; IRI-CRT-00016233; IRI-CRT-00016645; IRI-CRT-00016781; IRI-CRT-00016912; IRI-CRT-00017059; IRI-CRT-00017691; IRI-CRT-00017778; IRI-CRT-00018017; IRI-CRT-00018049; IRI-CRT-00018052; IRI-CRT-00018199; IRI-CRT-00018395; IRI-CRT-00018432
18	Bates beginning plus attachments: IRI-CRT-00019577; IRI-CRT-00019658; IRI-CRT-00020033; IRI-CRT-00020052; IRI-CRT-00020107; IRI-CRT-00020219; IRI-CRT-00020375; IRI-CRT-00020490; IRI-CRT-00020558; IRI-CRT-00020615; IRI-CRT-00020615; IRI-CRT-00020753; IRI-CRT-00021989; IRI-CRT-00022324; IRI-CRT-00022410; IRI-CRT-00022938; IRI-CRT-00023164
19	IRI-CRT-00023458-4836
20	IRI-CRT-00024837-30210
21	IRI-CRT-00030211-1551
22	IRI-CRT-00031552-89
23	IRI-CRT-00031590-3000
24	IRI-CRT-00033001-08
25	IRI-CRT-00033009-398
27	IRI-CRT-00033400-02 (Dep. Ex. 8598)
n/a	IRICO-00001-22 (part of Dep. Ex. 8610)

DPPs reserve their right to identify additional documents produced by Irico.

Evan J. Werbel

1/27/2023

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DPPs are available to meet and confer further regarding the above issues. Thank you.

Very truly yours,

s/ Geoffrey C. Rushing

Geoffrey C. Rushing

Cc: John M. Taladay
Thomas E. Carter
Andrew L. Lucarelli
Kaylee Yang
R. Alexander Saveri
Matthew D. Heaphy
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Exhibit S

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Attorneys for Defendants
IRICO GROUP CORP. and
IRICO DISPLAY DEVICES CO., LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 3:07-cv-05944-JST

MDL No. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

**IRICO DEFENDANTS' THIRD
SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO DIRECT
PURCHASER PLAINTIFF STUDIO
SPECTRUM, INC.'S FIRST SET OF
INTERROGATORIES**

PROPOUNDING PARTY:

Direct Purchaser Plaintiff Studio Spectrum, Inc.

RESPONDING PARTIES:

Irigo Group Corporation
Irigo Display Devices Co., Ltd.

SET NO.:

One

Pursuant to Federal Rules of Civil Procedure 26 and 33, Irico Group Corporation and Irico Display Devices Co, Ltd. (collectively, “Irico” or “Irico Defendants”) hereby respond to the Direct Purchaser Plaintiff Studio Spectrum, Inc.’s (“Plaintiff”) First Set of Interrogatories (“Interrogatories”). Irico reserves the right to amend or supplement these Objections and Responses (the “Responses”) to the extent allowed by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California (“Local Rules”). Subject to and without waiving any of Irico’s General and Specific Objections as set forth below, Irico is willing to meet and confer with Plaintiff regarding such General and Specific Objections.

The following Responses are made only for purposes of this case. The Responses are subject to all objections as to relevance, materiality and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court. All evidentiary objections and grounds are expressly reserved.

These Responses are subject to the provisions of the Stipulated Protective Order that the Court issued on June 18, 2008 (“Protective Order”). Irico’s Responses are hereby designated “Confidential” in accordance with the provisions of the Protective Order.

GENERAL OBJECTIONS

Irico makes the following General Objections to Plaintiff’s Interrogatories:

1. Irico’s Responses are based upon information available to and located by Irico as of the date of service of these Responses. In responding to Plaintiff’s Interrogatories, Irico states that it has conducted, or will conduct, a diligent search, reasonable in scope, of those files and records in its possession, custody, or control believed to likely contain information responsive to Plaintiff’s Interrogatories.

2. No express, incidental, or implied admissions are intended by these Responses and should not be read or construed as such.

3. Irico does not intend, and its Responses should not be construed as, an agreement or acquiescence with any characterization of fact, assumption, or conclusion of law contained in

1 or implied by the Interrogatories.

2 4. To the extent that Irico responds to Plaintiff's Interrogatories by stating that Irico
3 will produce or make available for examination responsive information or documents, Irico does
4 not represent that any such information or documents exist. Irico will make a good faith and
5 reasonable attempt to ascertain whether information responsive to Plaintiff's Interrogatories exists
6 and is properly producible, and will produce or make available for examination non-privileged
7 responsive materials to the extent any are located during the course of a reasonable search.

8 5. Irico objects to Plaintiff's Interrogatories to the extent that they are overly broad,
9 unduly burdensome, oppressive, and duplicative to the extent that they seek information or
10 documents that are already in the possession, custody, or control of Plaintiff.

11 6. Irico objects to Plaintiff's Interrogatories to the extent that they seek to impose
12 obligations on Irico beyond those of the Federal Rules of Civil Procedure, the Local Rules, or any
13 Order of this Court.

14 7. Irico objects to Plaintiff's Interrogatories to the extent they seek information that is
15 not relevant to jurisdictional issues or disproportionate to the needs of the case in resolving such
16 jurisdictional issues.

17 8. Irico objects to Plaintiff's Interrogatories to the extent that they are vague,
18 ambiguous, or susceptible to more than one interpretation. Irico shall attempt to construe such
19 vague or ambiguous Interrogatories so as to provide for the production of responsive information
20 that is proportionate to the needs of the case. If Plaintiff subsequently asserts an interpretation of
21 any Interrogatory that differs from Irico's understanding, Irico reserves the right to supplement or
22 amend its Responses.

23 9. Irico objects to Plaintiff's Interrogatories to the extent that they contain terms that
24 are insufficiently or imprecisely defined. Irico shall attempt to construe such vague or ambiguous
25 Interrogatories so as to provide for the production of responsive information that is proportionate
26 to the needs of the case.

1 10. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
2 that is protected from disclosure by the attorney-client privilege, work product doctrine, joint
3 defense or common interest privilege, self-evaluative privilege, or any other applicable privilege
4 or immunity. Irico will provide only information that it believes to be non-privileged and
5 otherwise properly discoverable. None of Irico's responses is intended nor should be construed as
6 a waiver of any such privilege or immunity. The inadvertent or mistaken provision of any
7 information or responsive documents subject to any such doctrine, privilege, protection or
8 immunity from production shall not constitute a general, inadvertent, implicit, subject-matter,
9 separate, independent or other waiver of such doctrine, privilege, protection or immunity from
10 production.

11 11. Irico objects to Plaintiff's Interrogatories to the extent that they call for
12 information that is not in the possession, custody, or control of Irico. Irico also objects to the
13 extent that any of Plaintiff's Interrogatories seek information from non-parties or third parties,
14 including but not limited to any of Irico's subsidiary or affiliated companies.

15 12. Irico objects to Plaintiff's Interrogatories to the extent that responding would
16 require Irico to violate the privacy and/or confidentiality of a third party or confidentiality
17 agreement with a third party.

18 13. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
19 that is publicly available, already in Plaintiffs' possession, custody, or control, or more readily
20 available from other sources.

21 14. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
22 or documents concerning transactions outside the United States. Such Interrogatories are unduly
23 burdensome and irrelevant because they do not relate to actions by Irico in or causing a direct
24 effect in the United States. Such Interrogatories are also unduly burdensome and irrelevant to this
25 pending action as Plaintiffs' class definition is confined to "all persons . . . who directly
26 purchased a Cathode Ray Tube Product . . . in the United States" (see Direct Purchaser Plaintiffs'
27 Consolidated Amended Complaint).

1 15. Irico objects to Plaintiff's Interrogatories to the extent that compliance would
2 require Irico to violate the laws, regulations, procedures, or orders of a judicial or regulatory body
3 of foreign jurisdictions.

4 16. Irico's responses, whether now or in the future, pursuant to Plaintiff's
5 Interrogatories should not be construed as either (i) a waiver of any of Irico's general or specific
6 objections or (ii) an admission that such information or documents are either relevant or
7 admissible as evidence.

8 17. Irico objects to Plaintiff's Interrogatories to the extent that compliance would
9 require Irico to seek information stored on backup or archived databases or other systems that are
10 not readily accessible or otherwise no longer active.

11 18. Irico objects to Plaintiff's Interrogatories to the extent that they are compound
12 and/or contain discrete subparts in violation of Federal Rule of Civil Procedure 33(a)(1).

13 19. Irico objects to Plaintiff's Interrogatories to the extent that they state and/or call for
14 legal conclusions.

15 20. Irico objects to the Interrogatories to the extent that they contain express or
16 implied assumptions of fact or law with respect to the matters at issue in this case.

17 21. Irico reserves the right to assert additional General and Specific Objections as
18 appropriate to supplement these Responses.

19 These General Objections apply to each Interrogatory as though restated in full in the
20 responses thereto. The failure to mention any of the foregoing General Objections in the specific
21 responses set forth below shall not be deemed as a waiver of such objections or limitations.

22 **GENERAL OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

23 1. Irico objects to the definitions of "You" and "Your" (Definition No. 6) to the
24 extent that Plaintiff defines those terms to include the Irico's "predecessors, successors,
25 subsidiaries, departments, divisions, and/or affiliates." This definition is legally incorrect,
26 overbroad, unduly burdensome, vague, and ambiguous. Irico also objects to the inclusion of "all
27 present and former directors, officers, Employees, agents, representatives or any Persons acting or

1 purporting to act on behalf of” Irico within this definition to the extent it purports to encompass
2 information that is protected by attorney-client privilege, work product protection or any other
3 applicable doctrine, privilege, protection or immunity or otherwise calls for a legal conclusion.

4 2. Irico objects to the definition of “Document” (Definition No. 8) to the extent it
5 seeks to impose requirements that are beyond those imposed by the Federal Rules of Civil
6 Procedure, the Local Rules, or any other applicable laws.

7 3. Irico objects to the definition of “Employee” (Definition No. 9) on the grounds
8 that it calls for a legal conclusion and is otherwise vague, ambiguous, and overly broad. Irico
9 further objects to this definition to the extent that it attempts to impose burdens on Irico beyond
10 those imposed by the Federal Rules of Civil Procedure. Irico further objects to this definition to
11 the extent that it seeks information protected by the attorney client or other applicable privilege,
12 attorney work product doctrine, or otherwise seeks to violate rights of privacy under U.S. or
13 foreign law.

14 4. Irico objects to the definitions of “CRT” and “CRT Products” (Definitions No. 10
15 and 11) on the grounds that they are vague, ambiguous and overly broad. Irico further objects to
16 the use of the term “CRT Products” to the extent that it is inconsistent with the definition of
17 “CRT Products” as set forth in Plaintiff’s pleadings.

18 5. Irico objects to the definition of the “Relevant Time Period” (Definition No. 12) as
19 overbroad, unduly burdensome, beyond the applicable statute of limitations, and beyond the
20 relevant time period for determining jurisdictional issues.

21 6. Irico objects to the definition of “Communication” (Definition No. 14) on the
22 grounds that it is vague, ambiguous, and overly broad. Irico further objects to this definition to the
23 extent that it attempts to impose burdens on Irico beyond those imposed by the Federal Rules of
24 Civil Procedure.

25 7. Irico objects to the definition of “Meeting” (Definition No. 16) on the grounds that
26 the definition is overly broad, unduly burdensome, and seeks information that is neither relevant
27 nor proportionate to the needs of the case.

8. Irico objects to Instruction No. 1 (related to identification of persons) to the extent that it purports to impose burdens or obligations broader than, inconsistent with, or not authorized under the Federal Rules of Civil Procedure, including, without limiting the generality of the foregoing, Rule 26(b)(5)(A) and Rule 26(e)(1). Irico further objects to this Instruction to the extent that it purports to impose burdens or obligations broader than, inconsistent with, or not authorized under, the Local Rules and any orders of the Court, and on the grounds that it is vague, ambiguous, and inconsistent with common usage. Irico further objects to this Instruction to the extent it seeks information that would disclose personal confidential information and/or violate any and all rights of privacy under the United States Constitution or Article I of the Constitution of the State of California, or any other applicable law or state constitution, or that is otherwise prohibited from disclosure because to do so would cause Irico to violate legal and/or contractual obligations to any other persons or entities.

9. Irico objects to Instruction No. 2 (related to identification of an entity other than a natural person) to the extent that it purports to impose burdens or obligations broader than, inconsistent with, or not authorized under the Federal Rules of Civil Procedure or other applicable rule or Order of this Court.

10. Irico objects to Instruction No. 3 (related to the production of business records in response to an interrogatory pursuant to Federal Rule of Civil Procedure 33(d)) on the grounds that it is unduly burdensome and purports to impose burdens and obligations upon Irico beyond those required by the Federal Rules of Civil Procedure or other applicable rule or Order of this Court.

SPECIFIC RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 20

Please describe with particularity Irico's sales and marketing of CRT Products in the United States during the Class Period, and/or attempts to sell or market any CRT Products in the United States during the Class Period, including:

a. The identity of all Persons with knowledge of such sales and marketing and/or

attempts to sell or market CRT Products in the United States; and

- b. The identity of all Documents referring or relating to such sales and marketing and/or attempts to sell or market CRT Products in the United States.

RESPONSE TO INTERROGATORY NO. 20

Irico reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo further objects that this request seeks information and documents beyond the scope of what is relevant to resolving jurisdictional issues and beyond that authorized under the Court's April 25, 2018 Order Denying Plaintiffs' Motion to Compel. Irigo also objects that this request is overbroad, unduly burdensome, and disproportionate to the needs of the case in resolving jurisdictional issues. Irigo also objects to this interrogatory on the grounds that identification of "all Persons" and "all Documents" is overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to and without waiving these objections and pursuant to Federal Rule of Civil Procedure 33(d), Irigo will produce or make available for inspection business records from which the answer to this Interrogatory may be determined.

Irico further states that Guo Menquan and Tao Long have knowledge of this subject.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20

Subject to and without waiving the objections stated above and pursuant to the Special Master's August 2, 2018 order (Dkt. No. 5320), Irigo responds as follows:

The managerial persons with knowledge of any United States sales of Irigo's CRT Products throughout the class period and their work histories are as follows:

- Tao Long (current employee)
 - May 1992-Oct. 1996: Accountant in the Finance Department, Irigo Group
 - Oct. 1996-Nov. 2000: Chief of Finance, Irigo CRT No. 1 Plant
 - Nov. 2000-June 2007: Chief of Finance, Irigo Group Glass Factory
 - July 2009-Nov. 2009: Deputy Director (Finance), Irigo Display
 - Nov. 2009-Oct. 2010: Director (Capital Operation), Irigo Display

- Apr. 2010-present: Secretary to the Board of Directors, Irico Display
- Aug. 2013-Apr. 2014 (concurrent): Director (Finance), Irico Display
- Guo Mengquan (former employee, retired May 2017)
 - Sept. 1983-Jan. 1987: Technical employee, Shaanxi Color CRT Central Plant
 - Jan. 1987-Sept. 1988: Associate Director (CPT Department), Shaanxi Color CRT Central Plant
 - Sept. 1988-Jan. 1990: Director (CPT Department), Shaanxi Color CRT Central Plant
 - Jan. 1990-Sept. 1996: Associate General Manager (Glass Plant), Shaanxi Color CRT Central Plant
 - Sept. 1996-Apr. 2001: General Manager (Glass Plant), Shaanxi Color CRT Central Plant
 - Apr. 2001-Apr. 2013: Deputy General Manager, Irico Group
 - Aug. 2005-Nov. 2007 (concurrent): General Manager, Irico Electronics
 - Nov. 2007-Aug. 2011 (concurrent): Deputy Chairman of the Board, Irico Display
 - Apr. 2013-Apr. 2016: General Manager, Irico Group
 - June 2013-2015 (concurrent): Chairman of the Board, Irico Electronics
 - June 2013-May 2016 (concurrent): Chairman of the Board, Irico Display
 - Apr. 2016-May 2017: Deputy Chairman of the Board, Irico Group
- Zhaojie Wang (current employee of Irico Group subsidiary)
 - Work history detailed at Dkt. No. 5313-2, ¶¶ 1-7.

Pursuant to the Special Master's August 2, 2018 order (Dkt. No. 5320), Irico will further supplement this response by (1) identifying the locations of all repositories of any electronic documents or files relating to United States sales of Irico's CRT Products and the legal relationships of Irico and any entities that sold Irico's CRT Products in the United States

1 throughout the class period; and (2) providing summary explanations of sales records relevant to
 2 United States sales of Irico's CRT Products and of "Irico's efforts to sell products in the U.S.
 3 during the class period."

4 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20**

5 Subject to and without waiving the objections stated above and pursuant to the Special
 6 Master's August 2, 2018 order (Dkt. No. 5320), Irico provides the following responsive
 7 descriptions:

8 **1. "Irico's efforts to sell products in the U.S. during the class period."**

9 During the relevant time period, Irico Group and Irico Display ("Irico") neither exported
 10 nor planned to export CRT products to the U.S. Irico focused its production of CRTs on sales
 11 within the domestic Chinese market. Such CRTs were generally considered outmoded by U.S.
 12 standards. Thus, Irico did not target the U.S. market because its CRTs were several years behind
 13 the U.S. demand.

14 Irico is aware from review of customs records that an independent company, CNEIECC,
 15 resold samples of Irico's CRTs into the U.S. in an apparent effort to enter the U.S. market. Irico
 16 understands this effort was ultimately a failure. CNEIECC did not report these efforts to Irico at
 17 the time.

18 **2. "Summary explanations of sales records relevant to United States sales of**
 19 **Irico's CRT Products and of Irico's efforts to sell products in the U.S. during**
the class period."

20 First, Irico Group's corporate archives are located on the first and third floors of Building
 21 102 of Irico Group Headquarters, 1 Caihong Road, Qindu District, Xianyang, Shaanxi Province,
 22 People's Republic of China. These archives contain a total of over 150 file cabinets and over
 23 5,500 file boxes, of which the following are potentially responsive to plaintiffs' discovery
 24 requests:

- 25 a) Approximately 700 bound volumes of financial records for Irico Group, dated
 26 from 1995 to 2007 and organized chronologically. These financial records include
 27 contracts, receipts, invoices, approvals from the government, and approvals issued

by Irico Group relating to operations, suppliers, investment, and financing. Each volume ranges from approximately 100 to 300 pages depending on the volume of transactions in each period.

- b) Approximately 150 bound account books for Irico Group, dated from 1995 to 2007 and organized chronologically. These account books contain information on Irico Group's sales, assets, operations, and cash flow based on the financial documents described above. Each account book contains approximately 200 to 500 pages.

Second, additional financial archive files of Irico Group are located at the Caihong Building at 11 Shangdi Xinxu Road, Haidian District, Beijing, People's Republic of China. These archives contain approximately 730 bound volumes of financial records and over 70 account books dated between 1995 and 2007. These documents are organized chronologically and similar in content and size to the financial documents and account books described above at the Irico Group Headquarters location.

Third, Irico Display's corporate archives are stored within the archives of Shaanxi Irico Electronic Glass Co., a subsidiary of Irico Display. Approximately 1,500 bound account books for Irico Display, dated from 1995 to 2007 and organized chronologically. These account books contain information on Irico Display's sales, assets, operations, and cash flow. Each account book contains approximately 200 to 500 pages.

3. "Managerial persons with knowledge of any United States sales of Irico's CRT Products throughout the class period and their work histories"

• **Ximin Wang:**

- 08/1978 - 02/1988
 - Irico 4400 Plant, Technician
- 03/1988 – 08/1994
 - Irico 4400 Plant CRT No.2 Plant, Director of the Electron Gun Department
- 08/1994 – 10/1995
 - Irico 4400 Plant, Director of Technical Department
- 10/1995 - 01/1999
 - Irico Color CRT General Plant, General Manager of Sales Company

- 01/1999 – 04/2001
 - Irico Group Corporation, Deputy Director of Technical Center
- 04/2001 - 12/2004
 - Irico Group Corporation, Director of Manufacturing Department
- 12/2004 – 07/2005
 - Irico Electronics, Assistant to the CEO and General Manager of the Operation Department
- 08/2005 – 11/2007
 - Irico Electronics, Deputy CEO; Irico Display, Chairman of the Board of Directors
- 12/2007 – 09/2011
 - Irico Display, General Manager
- 09/2011 – 09/2013
 - Irico Group Corporation, General Economist and General Manager of Shaanxi Branch (*retired*)

• **Jian-she Wei:**

- 08/1981 – 12/1989
 - Irico 4400 Plant, a Team Leader of part of an assembly line
- 12/1989 – 08/1990
 - Caizhu Electronic Industry Company, Deputy General Manager
- 08/1990 – 01/1999
 - Caizhu Electronic Industry Company (now named Zhuhai Caizhu Industry Company), General Manager
- 01/1999 – 11/2000
 - Irico Group, Sales Company, Deputy General Manager
- 11/2000 – 01/2004
 - Irico Group, Sales Company, General Manager
- 01/2004 – 05/2005
 - Shenzhen Caihong Huangqi Electronic Information Company, Director, Deputy Chairman of the Board of Directors, General Manager
- 05/2005 – 04/2018
 - Zhuhai Caizhu Industry Company, on leave (*retired*)

• **Xiaolin Shen**

- 03/1984 – 01/1992
 - Irico Group Corporation, CRT Plant No. 1, Secretary of the company's office and Director of the company's office
- 10/1992 – 08/2004
 - Irico Group Corporation, Sales Company, Assistant to the General Manager and Deputy General Manager
- 08/2004 – 11/2007
 - Irico Group Corporation, Sales Company, General Manager
- 11/2007 – 01/2009

- Irico Display, Assistant to General Manager and General Manager of Sales Department
- 01/2009 – 09/2013
 - Irico Display, Deputy General Manager, and General Manager of Sales Department
- 09/2013 – 10/2015
 - Zhuhai Caizhu Limited Company, Managing Director (*retired*)

THIRD SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20

Subject to and without waiving the objections stated above and pursuant to the Special Master's August 2, 2018 order (Dkt. No. 5320), Irico provides the following additional supplemental response:

1. "identifying the locations of all repositories of any electronic documents or files relating to United States sales of Irico's CRT Products"

Irico does not possess any repository of electronic documents or files relating to United States sales of Irico's CRTs. Irico is aware of one database of electronic sales records that contains sales information during the relevant period. This database consists solely of non-U.S. sales, and Irico is reviewing it for responsiveness.

2. "identifying the locations of all repositories of any electronic documents or files relating to . . . the legal relationships of Irico and any entities that sold Irico's CRT Products in the United States throughout the class period"

Irico's only records concerning the export or sale of its CRTs into the United States are the hard-copy Chinese customs records of CNEIECC's sale of Irico CRTs, which have been produced. Irico itself made no sales of its products to the United States and is not aware of any other entity that sold Irico's CRTs to the United States, and thus Irico does not have any other documents or reports concerning any sale or attempted sale into the United States.

CNEIECC and Irico's relationship is one of customer and supplier. The two companies are separate entities that have had separate shareholders and management at all relevant times. The only documents Irico is aware of relating to their relationship of the companies are (1) Irico's invoices and receipts from sales to CNEIECC and (2) Irico's sales contracts with CNEIECC. Chinese accounting rules and Irico's internal policies designate invoices—not contracts—as the

1 official records of sale. Thus, Irico generally retains all invoices but has few sales contracts.
 2 Irico's invoices and receipts from Irico's sales to CNEIECC are stored in Irico's corporate
 3 archive located in Xianyang City. As stated in Irico's May 4, 2018 initial responses, August 3rd
 4 meet and confer, August 7th letter, August 22nd letter, and August 31st meet and confer, these
 5 archival documents are available for inspection. Irico will produce the contracts with CNEIECC
 6 that it has located.

7
 8 Dated: September 4, 2018
 9

10 /s/ Stuart C. Plunkett

11 Stuart C. Plunkett (State Bar No. 187971)
 12 stuart.plunkett@bakerbotts.com
 13 BAKER BOTTS LLP
 14 101 California Street, Suite 3600
 15 San Francisco, California 94111
 16 Telephone: (415) 291-6200
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 24 Washington, D.C. 20004
 25 Telephone: (202)-639-7700
 26 Facsimile: (202)-639-7890

27 *Attorneys for Defendants*
 28 *IRICO GROUP CORP. and*
IRICO DISPLAY DEVICES CO., LTD.

CERTIFICATE OF SERVICE

I declare that I am employed in the County of San Francisco, California. I am over the age of eighteen years and not a party to the within case; my business address is: Baker Botts LLP, 101 California Street, Suite 3600, San Francisco, CA 94111.

On September 4, 2018, I served the following document(s) described as:

**IRICO DEFENDANTS' THIRD SUPPLEMENTAL OBJECTIONS AND RESPONSES TO
DIRECT PURCHASER PLAINTIFF STUDIO SPECTRUM, INC.'S
FIRST SET OF INTERROGATORIES**

on the following interested parties in this action:

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R. Alexander Saveri (rick@saveri.com)
Geoffrey C. Rushing (grushing@saveri.com)
Cadio Zirpoli (cadio@saveri.com)
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Mario N. Alioto (malioto@tatp.com)
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*Lead Counsel for the Direct Purchaser
Plaintiffs*

*Lead Counsel for the Indirect Purchaser
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San Francisco, CA 94104-4807
D (415) 633-1912

*Lead Counsel for the Indirect Purchaser
Plaintiffs*

[] (BY OVERNIGHT DELIVERY) I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope or package for collection and overnight delivery at an office or regularly utilized drop box of the overnight delivery carrier.

[] (BY MAIL) by placing a true copy thereof in a sealed envelope with postage fully prepaid and addressed to the persons at the addresses as shown above. I am readily familiar with the business practice of Baker Botts LLP for collection and processing of correspondence for mailing with the United States Postal Service, and the correspondence would be deposited with United States Postal Service that same day in the ordinary course of business.

1 [X] (BY ELECTRONIC MAIL) I caused such documents to be sent to the persons at the
2 email addressed listed above. I did not receive, within a reasonable time after the
3 transmission, any electronic message or other indication that the transmission was
4 unsuccessful.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed on September 4, 2018, 2012 at San Francisco, California.

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/s/ Reilly T. Stoler

Reilly T. Stoler

Exhibit T



April 5, 2023

Certification

Welocalize Translations

TRANSLATOR'S DECLARATION:

I, **Ann Chen**, hereby declare:

That I possess advanced knowledge of the Chinese and English languages. The attached Chinese into English translation has been translated by me and to the best of my knowledge and belief, it is a true and accurate translation of the document with bates number: IRI-SU-000131.

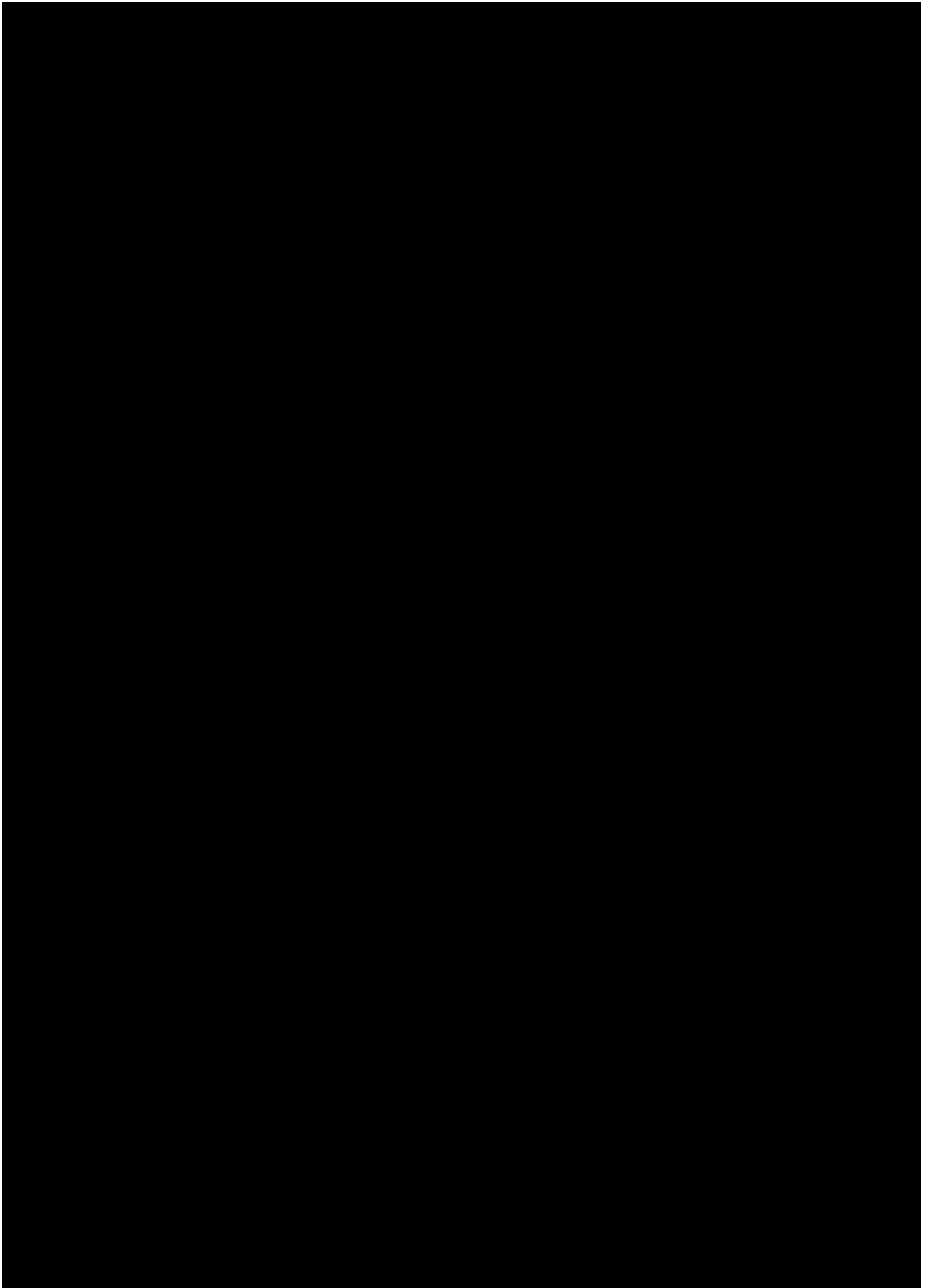
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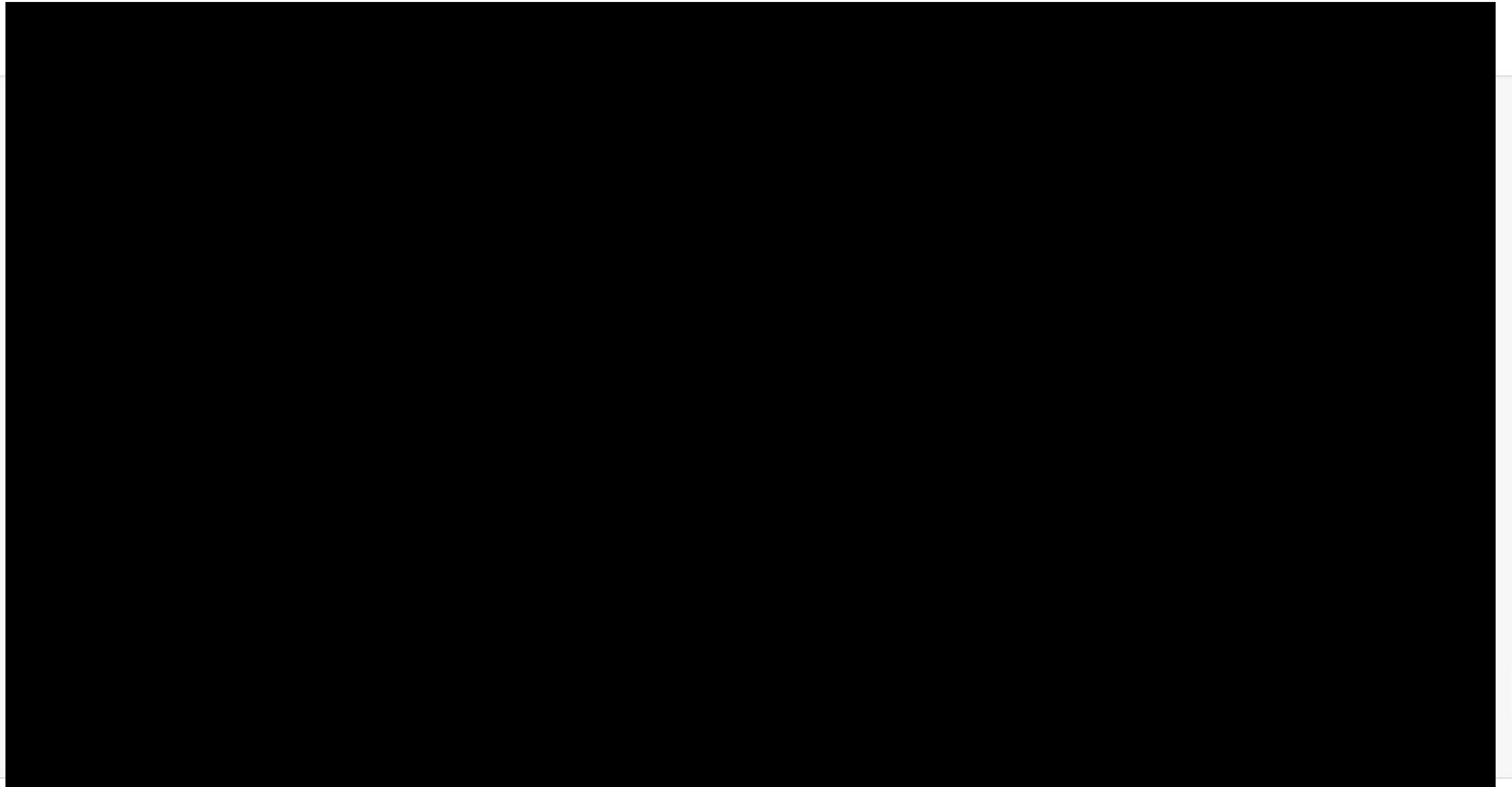
Ann Chen

Ann Chen

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212.581.8870





CONFIDENTIAL

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Exhibit U



April 5, 2023

Certification

Welocalize Translations

TRANSLATOR'S DECLARATION:

I, **Ann Chen**, hereby declare:

That I possess advanced knowledge of the Chinese and English languages. The attached Chinese into English translation has been translated by me and to the best of my knowledge and belief, it is a true and accurate translation of the document with bates numbers range: IRI-SU-000133 - IRI-SU-000134.

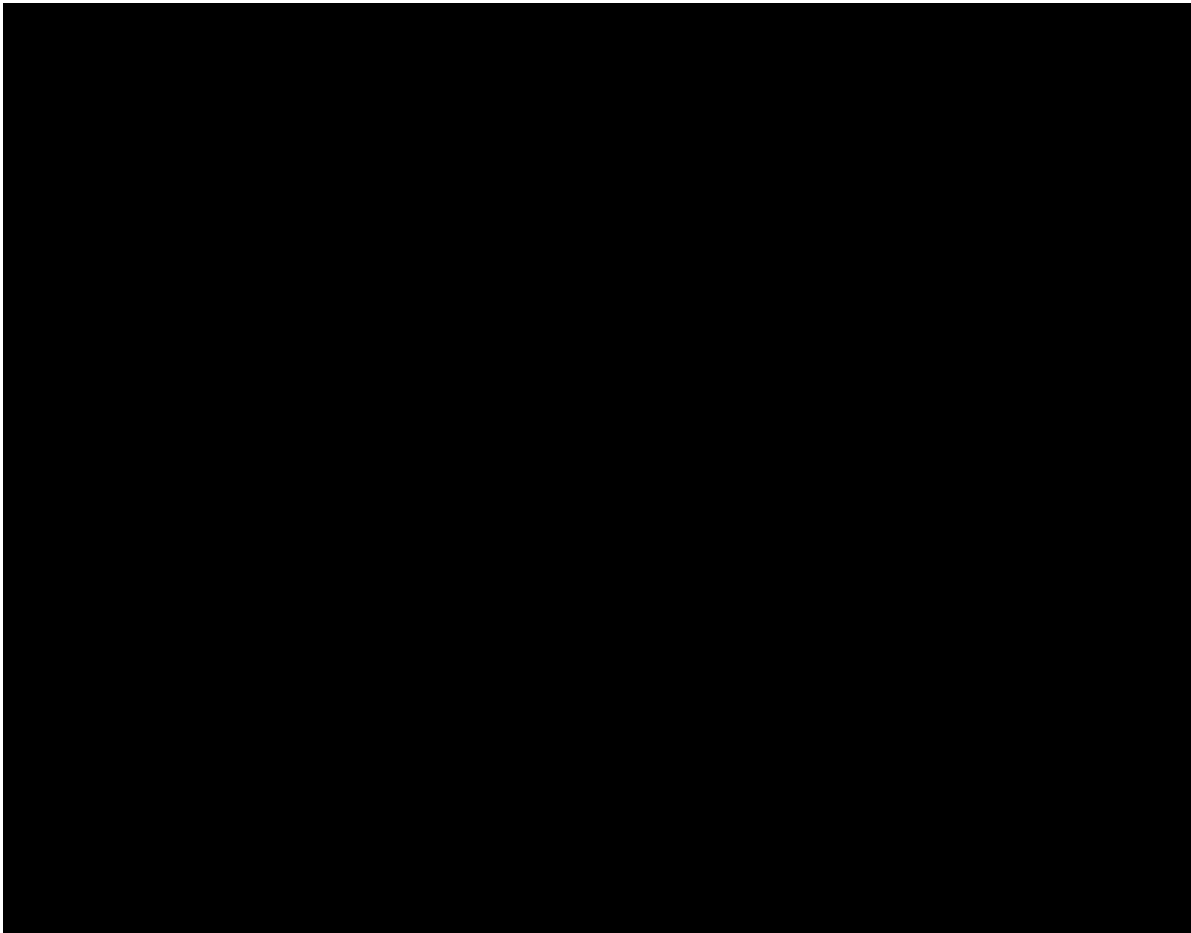
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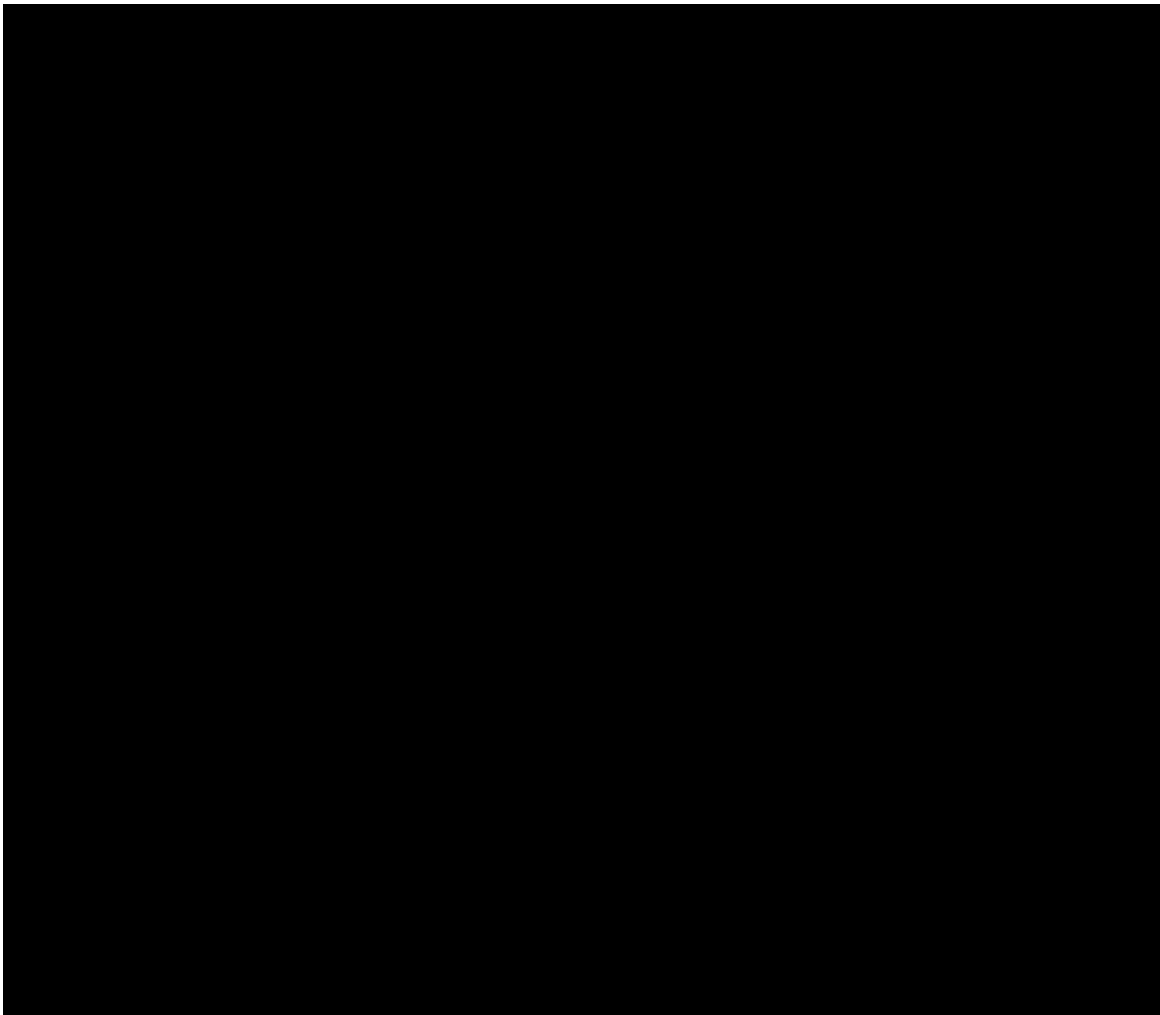
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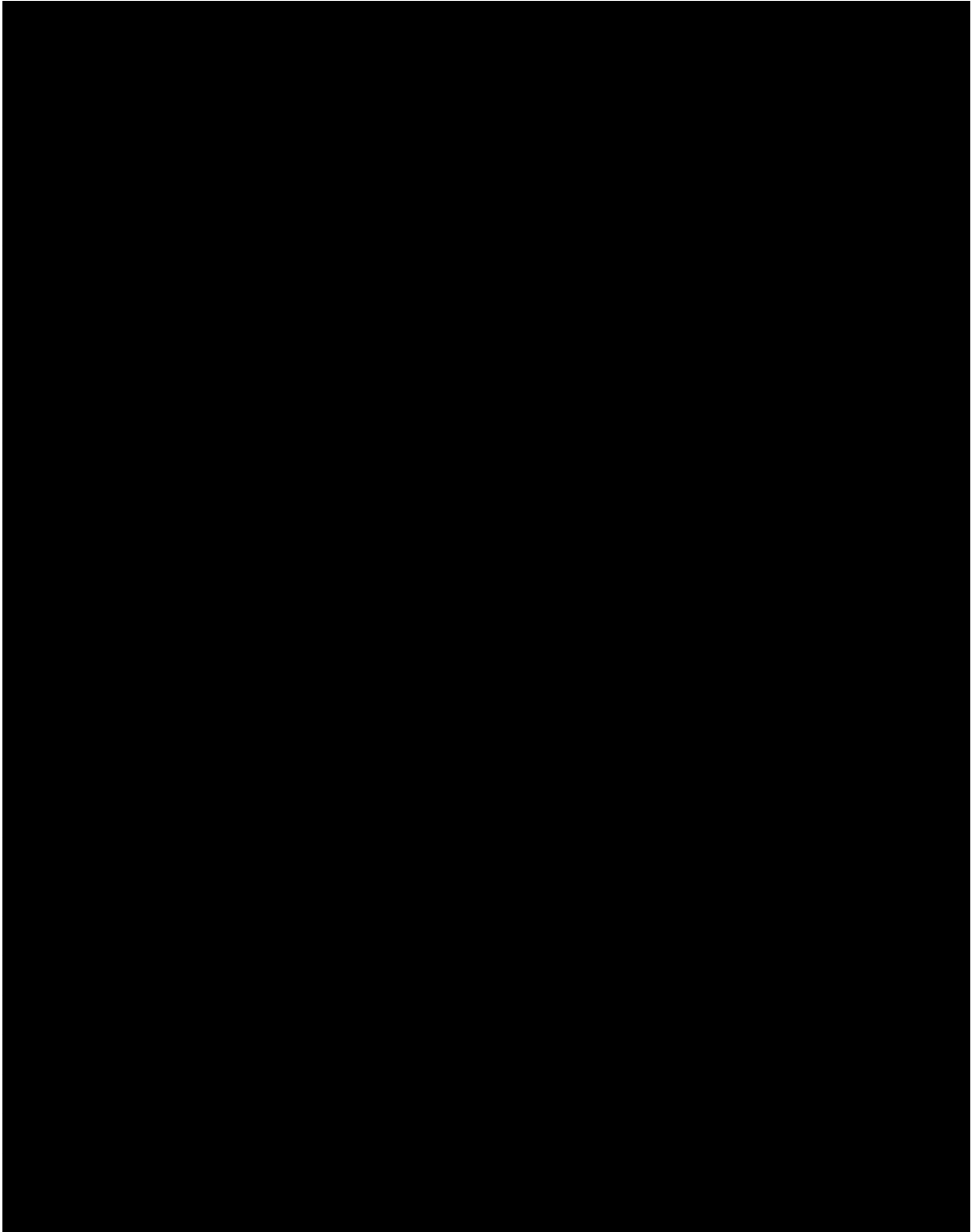
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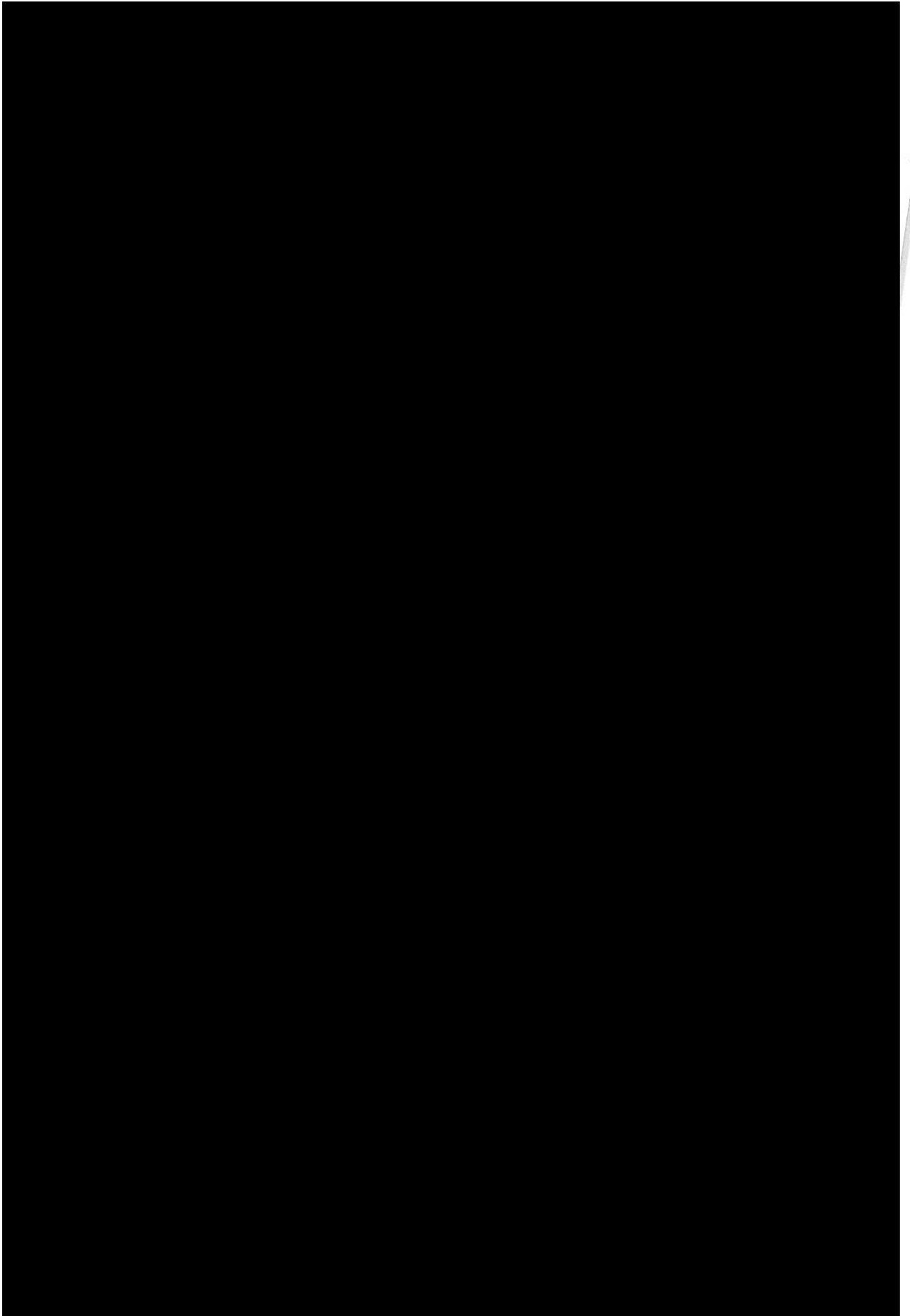


Exhibit V

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)) MASTER FILE NO.
ANTITRUST LITIGATION) CV-07-5944 JST

-----)

THIS DOCUMENT RELATES TO:)

ALL INDIRECT PURCHASER ACTIONS)

ALL DIRECT PURCHASER ACTIONS)

DEFENDANTS.)

-----)

VIDEOTAPED DEPOSITION OF WANG ZHAOJIE

VOLUME I

TUESDAY, SEPTEMBER 20, 2022

MACAU S.A.R., CHINA

JOB NO. 5436453

REPORTED BY MARK McCLURE, CRR

CAL CSR 12203

1	those expenses, is that correct?	10:03:26
2	MR. LUCARELLI: Object to form.	10:03:28
3	THE WITNESS: At any rate, I'm not sure what	10:04:15
4	you're saying, but at any rate, I would go out of the	10:04:17
5	town for business. When I come back, I would apply for	10:04:21
6	reimbursement. When I do that, I would have to attach	10:04:24
7	evidences of the expenses, and then that would require	10:04:32
8	signature from relevant supervisors.	10:04:38
9	BY MS. CAPURRO:	10:04:38
10	Q. Is it fair to say that you would always submit	10:04:46
11	accurate reimbursement requests and receipts to ensure	10:04:49
12	that you received full reimbursement for your travel	10:04:52
13	expenses?	10:04:55
14	A. What was the question?	10:04:57
15	Q. In submitting the travel reimbursement	10:05:20
16	requests, you would always be accurate in making those	10:05:23
17	requests, correct?	10:05:25
18	A. Are you referring to the receipts?	10:05:26
19	Q. The receipts and the requests for	10:05:44
20	reimbursement, assuming there was a form that you had to	10:05:47
21	fill out. I think that's what you testified previously.	10:05:50
22	MR. LUCARELLI: Object to form.	10:05:53
23	THE WITNESS: Your question is convoluted, but	10:06:23
24	at any rate, I just applied for the reimbursement and	10:06:26
25	then get the signature and get the reimbursement based	10:06:29

Page 42

1 on actual expenses. 10:06:35

2 BY MS. CAPURRO: 10:06:43

3 Q. How soon after you return from your business 10:06:43

4 trips would you submit your requests for reimbursement? 10:06:45

5 A. I'm not sure. 10:07:01

6 Q. And since you were traveling so much as part 10:07:08

7 of your job for Sales Company, this financial 10:07:10

8 reimbursement procedure would have been something you 10:07:13

9 did on a regular basis, correct? 10:07:15

10 MR. LUCARELLI: Object to form. 10:07:31

11 THE WITNESS: Correct. 10:07:32

12 BY MS. CAPURRO: 10:07:32

13 Q. Mr. Wang, during the relevant time period, did 10:07:46

14 you have your own personal work computer? 10:07:49

15 A. You mean during this period? 10:08:08

16 Q. Yes. 10:08:12

17 A. No. 10:08:14

18 Q. So you never had a laptop computer that you 10:08:15

19 would take with you on your business trips? 10:08:18

20 A. No. 10:08:21

21 Q. And you didn't have a desktop computer in your 10:08:32

22 office that you would use to work -- or for work? 10:08:36

23 A. Since I went out of town for business often, 10:08:39

24 but the office had computers. 10:09:02

25 Q. How did you conduct business when you were 10:09:08

1 traveling without a computer? 10:09:10

2 A. Well, first of all, I went out of town for 10:09:12

3 business quite often, so without a computer. I could do 10:10:06

4 business just the same because we had regular customers 10:10:11

5 and we would communicate over the phone. So once we 10:10:19

6 met, the deal would be sealed. So without a computer, 10:10:24

7 we would conduct the business just as well. 10:10:30

8 Q. When did you start using email, Mr. Wang? 10:10:38

9 A. I cannot remember clearly. 10:10:41

10 Q. Did you not use email at all during the 10:10:51

11 relevant period? 10:10:53

12 A. I cannot remember clearly. I really cannot 10:10:57

13 because it has been such a long time. I started to use 10:11:11

14 email much later. 10:11:15

15 Q. So you would keep your business documents in 10:11:37

16 hard copy in your office, is that correct? 10:11:40

17 MR. LUCARELLI: Object to form. 10:11:42

18 THE WITNESS: Please repeat this question. 10:11:56

19 MS. CAPURRO: Would the court reporter read 10:12:14

20 back the question. 10:12:18

21 (Record read by reporter: 10:12:19

22 "QUESTION: So you would keep your 10:11:38

23 business documents in hard copy in your 10:11:39

24 office, is that correct?") 10:11:41

25 THE WITNESS: I don't know specifically what 10:12:28

1 you're referring to. However, for the most part, 10:12:34
2 documents would be printed out. 10:12:38
3 BY MS. CAPURRO: 10:12:38
4 Q. Printed out from a computer, then, correct? 10:12:41
5 A. Correct. 10:12:44
6 Q. But not your computer, is that right? 10:12:50
7 A. Correct, only the company's office had the 10:12:55
8 printer. 10:13:06
9 Q. I asked about the computer, not about the 10:13:11
10 printer. 10:13:14
11 Was there one central computer that the entire 10:13:14
12 Sales Company used and printed documents from? 10:13:19
13 A. Based on my knowledge, that is not the case. 10:13:23
14 Q. Well, what was the case, then, Mr. Wang, 10:13:50
15 which -- how did you print documents if there was no 10:13:53
16 computer? 10:13:57
17 MR. LUCARELLI: Object to form. 10:13:59
18 THE WITNESS: In the big general office that I 10:14:49
19 worked in, there were many desks. There was a computer 10:14:52
20 on one of the desks, so the documents were printed out 10:14:57
21 from that computer. 10:15:05
22 BY MS. CAPURRO: 10:15:05
23 Q. Do you remember leaving an instruction in the 10:15:15
24 summer of 2008 to search for and preserve documents 10:15:16
25 relating to this case? 10:15:21

Exhibit W

[Teachers](#)[Register](#)

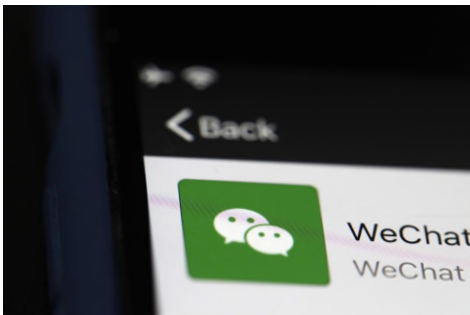
[Home](#) » [Blogs](#) » [Business & Economics](#) » [Why Email Isn't Used in China](#)

Why Email Isn't Used in China



In the West, a workplace without constant emailing is pretty unheard of. It is the biggest way of communicating in an office. However, in China, things are a little different.

Emailing in China can be a very frustrating process, mostly because you probably just won't get a reply. In the West, there can be problems with having "too many emails". Whereas in China, emailing is avoided pretty much all together, and people will stick to their trusted instant messaging apps such as WeChat. But, why is this the case?



The reason is mixed between China's historical late coming into technology, and the fast rise of China's own tech giant, Tencent.

Slow move to the internet

At the turn of the millennium, the internet was spreading quickly throughout the West, and email was becoming evermore commonplace in the office. In 2001, when email celebrated its 30th anniversary of existence, nearly every office had an email address. It was pretty much as common as having a phone number.

However, during the time of the West's internet boom, things in China were going a bit slower. In 2001, less than 3% of China's population were on the internet. Internet wasn't even hooked up to many people's homes. Instead, it was common for people to flock to internet cafes.

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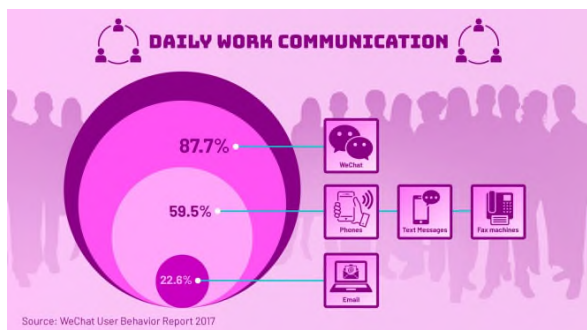


Even at the time that internet cafes were booming, it was young people who were going, most of whom weren't working in office environments. Their main reason for going to these cafes wasn't for the promise of productivity, but for the social possibilities.

As a result, the internet in China became particularly popular for its social benefits, rather than being used in a more formal context.

The domination of Tencent

During the rise of internet cafes, a small tech company (at the time) known as Tencent developed a desktop messaging app called QQ. Although QQ and other desktop messaging apps are out of fashion now, Tencent is one of the biggest tech companies in the world and later created WeChat. WeChat has more than a billion daily users and is heavily present throughout China. WeChat is the main form of communication in the workplace.



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Difficulty of email in China

There have been a number of other issues with email in China. The use of English email addresses doesn't help. Additionally, the lack of financial incentives of investing into R&D with emails acted as another barrier, monetisation paths just weren't as obvious at the time.

As a result, most people have simply resorted to WeChat as the main form of office communication. It's fast and convenient and everyone is familiar with it. WeChat has the ability to send images, documents, as well as have group conferences.

Working culture

Chinese working culture plays a role. Forum users noted that due to China's lack of procedure in doing business, it's easier to communicate through instant messaging apps. Emailing just adds to bureaucracy and slows down any process.

China has quite an informal working culture. So "the prevalence of emojis, voice messages and informal communication add to this more flexible and less black-and-white professional and personal relationships that often go with work in China," says Elliott Zaagman.

The divide between professional and personal life in China is less prominent. As a downside, using WeChat means it's more difficult to escape work, and employees are expected to reply straight away. [This adds to the 996 culture that is so hotly debated.](#) Using messaging apps means that employees are available at all times.



Email is still dominant in offices in the West, however this might change as social networking and instant messaging becomes more prevalent in every industry. The communication style could become more similar to China. Whether that is a good or bad thing remains unclear.

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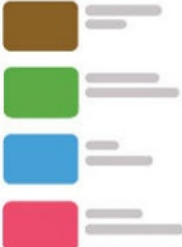
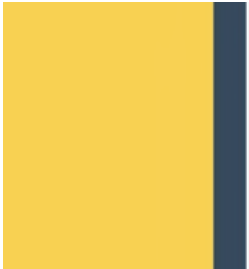
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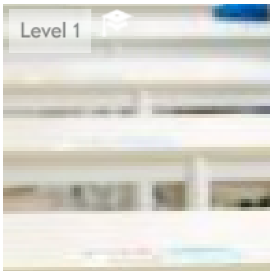

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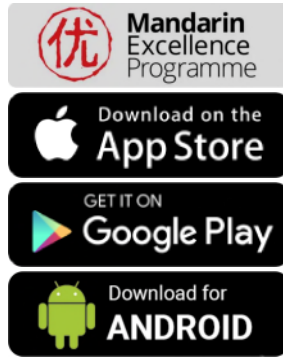
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Exhibit X

EMAIL

Why email loses out to popular apps in China



(Image credit: Alamy)



By *Lu-Hai Liang* 9th July 2020

Email has never been huge in China, and it's down to a combination of cultural factors and timing.

Article continues below

In May 2008 I was teaching at a private English school in Yangshuo, a small town in southern China. It is an idyllic place to study, with limestone hills, known as karst, decorating the riverine landscape. When they finished their course my adult students told me to download QQ, a Chinese desktop application much like MSN Messenger, to keep in touch.

I asked them to register on Facebook (it was unblocked in China then), add me as a friend and also leave their email addresses. A few did but they were hard to remember, because

addresses even in the UK.

I never check email so I don't have expectations of people to respond – Hailan Jia

Years later, I found myself in Beijing working as a freelance journalist and copywriter. I would hardly ever do business with my Chinese clients over email. Often, I would receive copywriting work on my smartphone, via the hugely popular Chinese messaging app WeChat. Once I'd completed it, I would then send it back and also get paid over WeChat. The whole process felt miraculous, such was the speed and mobile efficiency.

More like this:

- [How China went back to work after lockdown](#)
- [Young Chinese are sick of working overtime](#)
- [China's work from home experiment](#)



In many Western countries, email still reigns supreme, especially at work. In both the US and the UK, email is the most popular online activity, drawing **90.9%** and **86%** of internet users respectively. In both the **US** and the **UK**, using email tops other online activities such as browsing for information about goods and services, internet banking, consuming digital videos or audio and using social media.



But in China, it's a different picture. Deloitte's 2018 China Mobile Consumer Survey **showed** that Chinese people checked their email 22% less than users globally. Instead WeChat is dominant; some **79.1% of smartphone owners are regular users of the app, while 84.5% of people who use messaging apps in China use WeChat**. And that preference extends into the office: the 2017 WeChat user behaviour **report** compiled by Penguin Intelligence, a research arm of Tencent (which created WeChat), found that almost 88% of 20,000 people surveyed used WeChat in their daily work communication. Phones, SMS and fax were used by 59.5%. Email was a distant third on 22.6%.

Eva Hsu, who runs a digital branding business, is Taiwanese and spent some of her youth living in the US. She's been working in Shanghai for six years. For her foreign clients, Hsu says she communicates via email and LinkedIn, but for her Chinese clients it's a different story. "Chinese clients tend to use WeChat and send files on WeChat as the main way of communication," she says.

Late adopters

With over a billion users in China, WeChat is a super app that is ubiquitous. But the reasons why Chinese people prefer communicating over a platform such as WeChat may have been formed years earlier. In 1999, newly-established Chinese technology company Tencent released a product called QQ, based on the popular desktop instant messaging programme ICQ, which was owned by AOL.

At the time, there were only 1.2 computers per 100 people in China, **according to the World Bank**. By contrast, there was one computer for every two people in the United States. But as the 2000s progressed internet cafes sprang up across China and were quickly embraced by young people. QQ became a key reason for the cafes' popularity, as it provided entertainment with features such as games, music and an early Chinese social network where people could post micro-blogs. Compared to email, QQ offered more interaction, with the ability to create avatars, for example, and instant messaging.



Internet cafes were often the only way people could access computers in the 1990s and early 2000s in China (credit: Herve Bruhat/Gamma-Rapho via Getty Images)

In their 2008 book **Supertrends of Future China**, co-authors James Yuann and Jason Inch noted that it was impractical for young Chinese to be without a QQ or MSN account. It "is almost like what Westerners would think of somebody without a driver's license", they wrote. Senior executives would list their QQ numbers on business cards and businesses would have their own QQ accounts.

CHANGING THE BUSINESS ENVIRONMENT IN CHINA

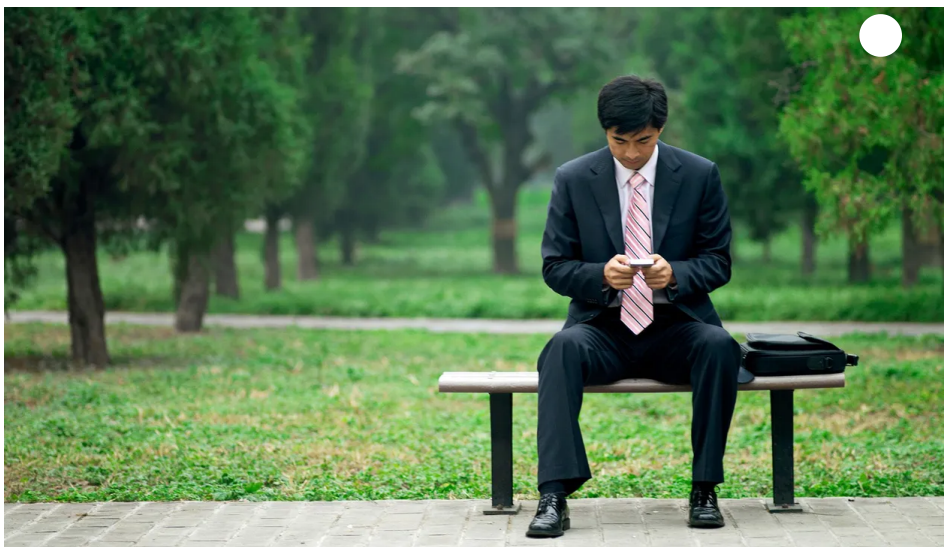
By 2012 QQ had 798 million monthly active users, but WeChat, also created by Tencent and released in 2011, would go on to become the most popular communication tool in China, just as smartphones would go on to replace desktop computers as China's main computing device.

Matthew Brennan, a Briton who has worked in China since 2004 and is a consultant on Chinese digital innovation, says that having an email address in the UK is part of your identity as it's required to register for many online services. In China, however, mobile apps often take precedence and it is possible to do all your online transactions once you are logged into an app with multiple functionality such as WeChat or Alipay (created by online retail giant Alibaba). You can book an appointment, pay for shopping and message your friends all within a single app.

Instant messaging

Zhong Ling, assistant professor of economics at the Cheung Kong Graduate School of Business, believes WeChat fits into the Chinese working culture. "WeChat, as a messaging platform, demands less formal working time than email," she says. "This informality makes people more likely to respond instantaneously... the demand for [an] immediate response is motivated by the cultural and business environment in China."

Zhong observes that the boundaries between people's work and personal lives are weaker in China. "As a result, employers and managers often send out work inquiries or tasks outside of normal working hours and prefer not to wait until the next business day for a trivial reply." She adds that for conversations which require multiple rounds of interaction, WeChat is faster than email.



There is pressure on workers in China to be available outside work hours (credit: Alamy)

However, the flipside of this is that workers are under pressure to respond at all hours. While WeChat is ready for short, rapid responses, email has a clunkier interface, Brennan says. The way a platform is built influences how we communicate and there are subtle but noticeable effects when it comes to platforms such as Facebook, WhatsApp or indeed WeChat. "There can be an expectation for a more timely response for [instant] messaging," says Brennan. "So even if you receive a message on the weekend, you need to reply."

In Anglo-centric countries such as the UK, US, Canada, Australia and New Zealand, email retains the etiquette of an analogue age. The "Dear X" greetings and formal sign-offs –

Having an email address in countries such as the UK is part of your identity because you need it to register for so many online services

Alan Casey, a partner at consultancy firm Prophet which has offices across Asia, says he and his multinational team believe chat apps are far more relevant than email in Asia than Western markets. “Many countries like China and SEA [South East Asia] have leapfrogged the computer age and gone straight to mobile connectivity,” says Casey. “This has led to massive uptake of social platforms whether it be Facebook, WeChat, Line, KakaoTalk, Zalo, etc.”

Doing business

In China, besides WeChat, **business apps serve the needs of larger corporations** or those requiring more work and productivity-focused features. Platforms such as Alibaba’s DingTalk and ByteDance’s Lark, as well as the business version of WeChat – WeChat Work – offer features such as document sharing and online editing, payroll, workplace compliance and a higher level of privacy. DingTalk allows users to see in real time if someone has read a message and, if not, users can send a push to prompt them to do so.



Business and productivity apps replace email for work-related tasks (credit: Alamy)

Thirty-year-old Hailan Jia is a public relations manager for a Chinese cryptocurrency trading company. She moved from her native Beijing to Plymouth in southwest England in 2018 to be with her partner. In the UK, she says, online services are more scattered. “You buy certain products on Amazon; groceries on apps; and book appointments on websites, which all require email or Facebook, unlike China where you use your WeChat account [for everything],” she says. Having to constantly check her email is something Hailan has had to get used to. “In China I never check email so I don’t have expectations of people to respond to email and I don’t stay on email for entertainment.”

But this doesn’t mean Chinese people aren’t using email at all. Many do have an email address but check it far less regularly than their American or European counterparts. Brennan says that in the larger cities, like Beijing and Shanghai, there will be more alignment with international standards.

One of my old students in Yangshuo, Leely Wang, was one of the few who left me her email address when she finished her studies. We kept in touch via email for a time, before lapsing.

I ask her if she still uses the email address we used to keep in touch. “Which one is it?” She asks, laughing. “I had so many: 163, 126 and MSN,” she says, referring to different email providers. She now checks her email rarely, and has difficulty remembering when she last checked in. “I use WeChat the most; I don’t use QQ often, but sometimes I will,” she says.

For Wang, and many other Chinese people, WeChat forms an integral part of daily life and email now seems a quaint leftover from the past.









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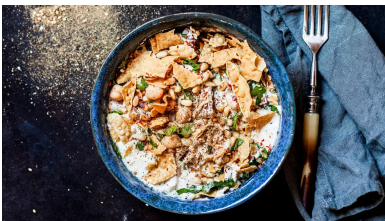
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CERTIFIED TRANSLATION

Description of Document(s):

EMPLOYEE INFORMATION REGISTRATION FORM
SU XIAOHUA
IRI-CRT-00031561 through IRI-CRT-00031562

Source Language: CHINESE	Target Language: ENGLISH
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By: Sean Kirschstein, Director

Date: January 24, 2022

A copy of the translated version(s) is attached to this statement of certification.

Personnel Number: 100751

Employee Information Registration Form

Name	Su Xiaohua		Gender	Male	Ethnicity	[Personal Information Redacted]	
Date of birth	[Personal Information Redacted]		Native of		[Personal Information Redacted]		
Nationality	Chinese	Registered household location	Qindu District, Xianyang City, Shaanxi Province		Political affiliation	[Personal Information Redacted]	
Joined Party on	[Personal Information Redacted]		Began working on		January 1, 1977		
ID #	[Personal Information Redacted]		Health	Healthy or good	Marital status	[Personal Information Redacted]	
Contact address	[Redacted]					Postal code	[Redacted]
Phone	Landline: [Redacted]					Mobile: [Redacted]	
Email	sxh@ch.com.cn						
Main family members	Name	Date of birth	Relationship	Workplace	Emergency phone		
	Zhao Rong	[Personal Information Redacted]	Spouse	Retired	[Redacted]		
1st higher-education degree		School and major	Northwest University of Political Science and Law. Major: law				
Highest degree	Master's degree candidate	School and major	Central Party School of the Communist Party of China				
Current department and position	Irico Foshan Flat Panel Display Co., Ltd. General manager of combined management department						
Part-time work							
Professional certificates	Senior Political Worker		Date obtained		December 30, 2000		
Computer skill level			Foreign language skill level		Languages:		

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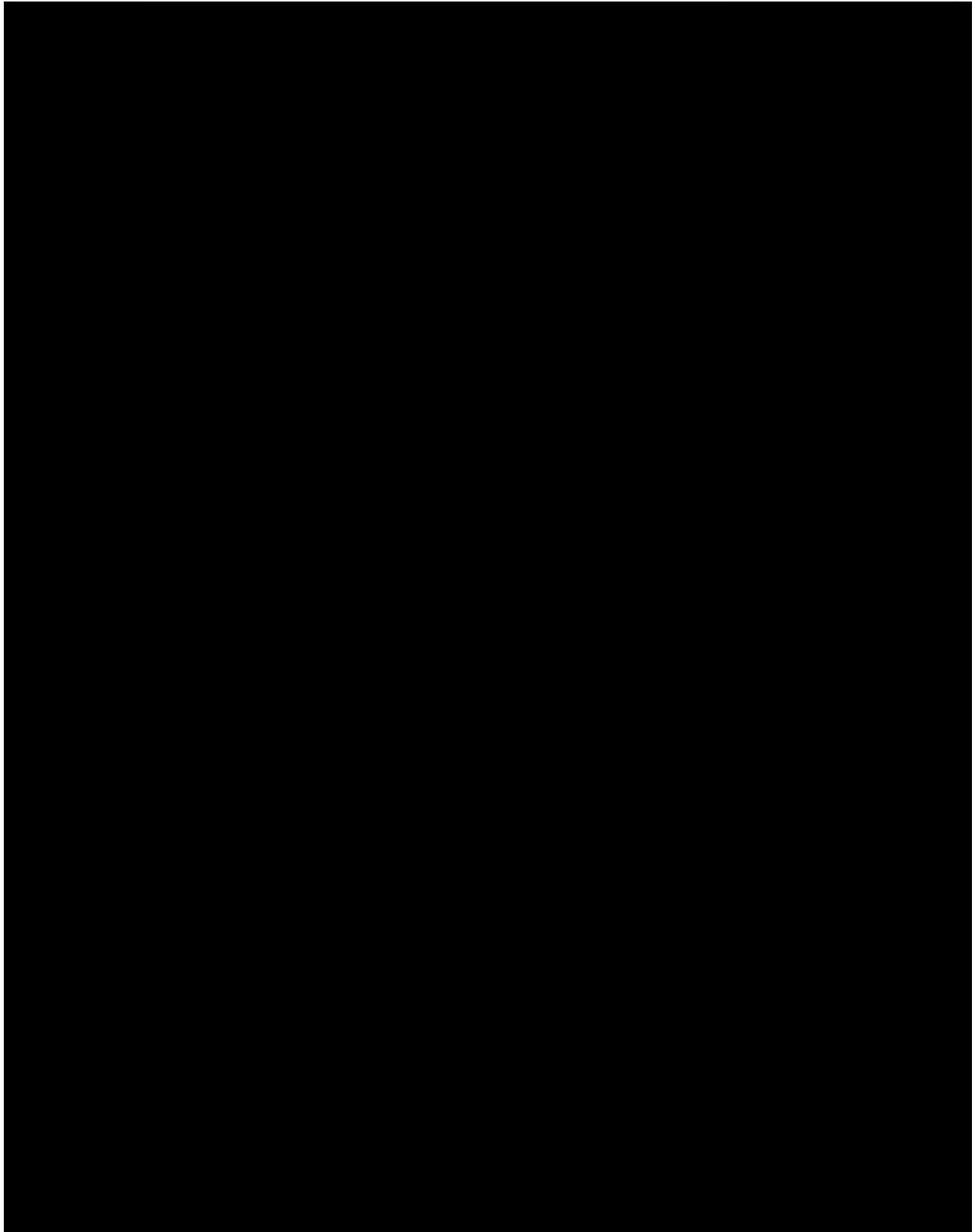
IRI-CRT-00031561_FTE_TRANSLATION

Personnel Number: 100751

Technical level obtained	Type of work (at this technical level)
Education	<p>September 1, 1993 to July 1, 1995: Shaanxi Province Party Committee School. Undergraduate studies in economic management.</p> <p>September 1, 2001 to July 1, 2003: Shaanxi Normal University. Undergraduate studies in political thought education.</p> <p>June 2, 2004 to September 2, 2007: Central Party School of the Communist Party of China. Master's degree candidate in economics.</p> <p>June 2, 1991: Northwest University of Political Science and Law. Technical college studies in law.</p>
Work experience	<p>June 26, 1981 to August 1, 1984: Irco Main CRT Plant. Security section. Economic civil police.</p> <p>August 1, 1984 to September 2, 1991: Irco Main CRT Plant. Office and labor and capital section. Minutes secretary, administrative secretary, and clerk.</p> <p>September 1, 1991 to April 1, 1993: Irco Group. Supervision department. Chief and special cases section chief.</p> <p>April 1, 1993 to April 1, 2005: Irco Group. Human resources department. Personnel affairs office chief and assistant to department head.</p> <p>April 1, 2005 to March 1, 2007: Irco Group. Sales company. Deputy general manager.</p> <p>March 1, 2007 to August 1, 2013: Irco Group Electronics. Purchasing department. Deputy general manager and general manager.</p> <p>August 30, 2013: Xianyang Rainbow Photovoltaic Technology Co., Ltd. Combined management department. Member of level-three unit management. Deputy general manager and legal representative.</p> <p>June 1, 2017: Shaanxi Caihong Photoelectric Material General Merchandise Company. Member of level-three unit management. Legal representative.</p> <p>June 1, 2017 to December 30, 2019: Xianyang Rainbow Photovoltaic Technology Co., Ltd. Combined management department. Member of level-three unit management. Deputy general manager and legal representative.</p> <p>January 1, 2018 to December 30, 2019: Xianyang Rainbow Photovoltaic Technology Co., Ltd. Combined management department. Part-time position in level-three unit management. Deputy general manager.</p> <p>December 31, 2019: Irco Foshan Flat Panel Display Co., Ltd. Combined management department. Full-time position in level-three unit management. General manager.</p>
Recognitions and disciplinary actions	<p>December 1, 1983: Main Plant. Security section. Advanced Worker of Section Office.</p> <p>January 1, 1985: Irco Main Plant. Outstanding Communist Party Member.</p>

人员编码: 100751

员 工 信 息 登 记 表



人员编码: 100751

取得的工人 技术等级		工种（与技术等级对应）	
教育 经历	<p>1993-09-01 1995-07-01 陕西省委党校 经济管理 大学本科</p> <p>2001-09-01 2003-07-01 陕西师范大学 思想政治教育 大学本科</p> <p>2004-06-02 2007-09-02 中央党校 经济学 硕士研究生</p> <p>1991-06-02 西北政法学院 法律 专科</p>		
工作 经历	<p>1981-06-26 1984-08-01 彩虹彩色显像管总厂 保卫科 经济民警</p> <p>1984-08-01 1991-09-02 彩虹彩色显像管总厂 办公室、劳资科 纪要秘书、行政秘书、劳资员</p> <p>1991-09-01 1993-04-01 彩虹集团 监察处 主任、专案组长</p> <p>1993-04-01 2005-04-01 彩虹集团 人力资源部 人事室主任、部长助理</p> <p>2005-04-01 2007-03-01 彩虹集团 销售公司 副总经理</p> <p>2007-03-01 2013-08-01 彩虹电子采购部 副总经理、总经理</p> <p>2013-08-30 咸阳彩虹光伏科技有限公司 综合管理部 三级级单位班子成员 副总经理、法定代表人</p> <p>2017-06-01 陕西彩虹光电材料总公司 三级单位班子成员 法定代表人</p> <p>2017-06-01 2019-12-30 咸阳彩虹光伏科技有限公司 综合管理部 三级单位班子成员 副总经理、法定代表人</p> <p>2018-01-01 2019-12-30 咸阳彩虹光伏科技有限公司 综合管理部 三级级单位班子副职 副总经理</p> <p>2019-12-31 彩虹(佛山)平板显示有限公司 综合管理部 三级级单位班子正职 总经理</p>		
奖惩 情况	<p>1983-12-01 总厂保卫科 科室先进生产者</p> <p>1985-01-01 彩虹总厂 优秀共产党员</p>		

DOCUMENT 9

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May 2, 2023

VIA E-MAIL [VRW@JUDGEWALKER.COM]
The Honorable Vaughn R. Walker
Law Office of Vaughn R. Walker
Four Embarcadero Center, Suite 2200
San Francisco, CA 94111

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Re: In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Master File
No. 07-CV-944-JST

Dear Judge Walker:

We write to inform the Special Master of additional relevant authority in the Northern District of California further supporting the arguments raised by Irico in its Opposition to Plaintiffs' Motion for Sanctions submitted on April 21, 2023. Irico recently learned that, on April 21, 2023, Magistrate Judge Alex Tse denied a request by the U.S. Securities and Exchange Commission ("SEC") to impose sanctions against Volkswagen for failing to produce a current, foreign employee for a deposition in the *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*. See No. 19-cv-01391-CRB (AGT), slip op. at 1-2 (N.D. Cal. Apr. 21, 2023) ("*Volkswagen*").¹ The *Volkswagen* court had already found the employee to be a current "managing agent" of Volkswagen and in violation of a court order mandating his appearance for a deposition. *Id.* Yet, Judge Tse denied the severe sanctions sought by the SEC, finding that Volkswagen used its best efforts to produce the witness and concluding that "it's unclear what else VW can do."² *Id.* at 1. Also critical to Judge Tse's decision was the fact that Volkswagen had not acted in bad faith and that the SEC had other evidence available to prove its case:

¹ This recent decision has not yet been published, and a copy of the slip opinion is attached to this letter.

² The SEC sought the following sanctions: "at a minimum: (1) an instruction to the jury that VW was ordered to produce [the employee] as a witness, but VW failed to do so; (2) an instruction to the jury that they may infer from [the employee's] absence that his testimony, if it had been given, would be harmful to VW; and (3) a finding that all facts supporting the SEC's allegations that [the employee] could testify to . . . are deemed true and established for purposes of this case." Pl. SEC's Mot. for Sanctions Against Def. Volkswagen AG for Violating Judge Tse's Feb. 10 Order at 6, *In re Volkswagen "Clean Diesel" Mktg., Sales Pracs., and Prods. Liab. Litig.*, No. 19-cv-01391-CRB (AGT) (N.D. Cal. Mar. 17, 2023). A copy of the SEC's motion is also attached to this letter.

BAKER BOTTS LLP

The Honorable Vaughn R. Walker

- 2 -

[I]n the absence of bad faith, the Court isn't inclined to impose sanctions that could tilt the case sharply in the SEC's favor. Also, while [the employee's] testimony could have helped the SEC, the SEC hasn't suggested that it needs [the employee's] testimony to satisfy its burden of proof. The SEC presumably has other evidence at its disposal, and [the employee's] nonappearance shouldn't doom the SEC's case.

Id. at 2. Finally, Judge Tse acknowledged that VW had already agreed not call the current employee at trial and left open the possibility of the parties preparing a statement to the jury explaining the witness's absence. *Id.*

This recent decision further supports Irico's position that the sanctions that Plaintiffs seek against Irico, in particular those related to Mr. Su, are inappropriate and overreaching and should be denied.

Sincerely,
/s/ John Taladay
John Taladay

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

VOLKSWAGEN
AKTIENGESELLSCHAFT, et al.,

Defendants.

Case No. [19-cv-01391-CRB](#) (AGT)

DISCOVERY ORDER

Re: Dkt. Nos. 113, 115, 123

The Court won't sanction VW for failing to produce Thorsten Duesterdiek for a deposition. Duesterdiek is one of VW's managing agents, and the Court ordered VW to make him available. *See* Dkt. 106. But despite VW's repeated appeals, Duesterdiek has refused to be deposed. He is on trial in Germany for criminal charges related to the "clean diesel" emissions fraud, and he has told VW that he won't sit for a deposition or submit a declaration in this case unless an order is issued "against him personally by a court of competent jurisdiction." Dkt. 113-3 at 2–3; *see also* Dkt. 113-6 at 2. The parties haven't suggested that this Court could issue such an order against Duesterdiek personally.

VW has used its best efforts to produce Duesterdiek, and at this point it's unclear what else VW can do. The SEC says VW should discipline Duesterdiek or threaten to fire him if he doesn't appear, but VW believes it would face legal consequences in Germany if it did so. VW's concerns aren't fantastical. Dr. Thuesing, a German labor law professor, has opined that Duesterdiek "act[ed] within his rights under German law not to comply with [VW's] request to testify" and would likely prevail in a civil suit against VW if VW disciplined him. Dkt. 104-19 at 23; *see also* Dkt. 113-7 (reaching the same conclusion as to the request that Duesterdiek

submit a declaration). Whether Dr. Thuesing's predictions would come true can't be definitively determined; but Dr. Thuesing's analysis of German law is cogent, and VW sensibly doesn't want to act against it.


Even so, it is true that the Court has the authority to enforce its discovery orders and to impose sanctions when its orders are not obeyed. *See* Fed. R. Civ. P. 37(b)(2)(A), (d)(1)(A)(i). But under the circumstances, the Court, in its discretion, concludes that sanctions are not warranted. VW, in the Court's judgment, hasn't acted in bad faith. And in the absence of bad faith, the Court isn't inclined to impose sanctions that could tilt the case sharply in the SEC's favor. Also, while Duesterdiek's testimony could have helped the SEC, the SEC hasn't suggested that it needs Duesterdiek's testimony to satisfy its burden of proof. The SEC presumably has other evidence at its disposal, and Duesterdiek's nonappearance shouldn't doom the SEC's case.

The SEC's motion for sanctions is denied. So too is VW's motion for reconsideration of the Court's February 10 order. *See* Dkts. 106, 113. There's no need for the Court to reconsider that order, in which the Court held that Duesterdiek was a managing agent of VW, given the Court's conclusion that sanctions aren't warranted for Duesterdiek's nonappearance. VW's motion for leave to file a sur-reply to the SEC's motion for sanctions is also denied. *See* Dkt. 123.

For the avoidance of doubt, the Court notes that VW has agreed not to call Duesterdiek as a witness. *See* Dkt. 120 at 15. VW must abide by that promise. Also, this order is without prejudice to the SEC and VW preparing a statement for the jury explaining why Duesterdiek didn't testify or appear for his deposition.

IT IS SO ORDERED.

Dated: April 21, 2023



Alex G. Tse
United States Magistrate Judge

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*Attorneys for Plaintiff United States
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: VOLKSWAGEN “CLEAN
DIESEL” MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

This Document Relates To:

U.S. S.E.C. v. Volkswagen AG,
No. 3:19-cv-1391-CRB

MDL No. 2672 CRB (JSC)

**PLAINTIFF SECURITIES AND EXCHANGE
COMMISSION’S MOTION FOR SANCTIONS
AGAINST DEFENDANT VOLKSWAGEN AG
FOR VIOLATING JUDGE TSE’S FEBRUARY
10 ORDER**

Courtroom: A
Judge: Magistrate Judge Alex G. Tse

NOTICE OF MOTION AND MOTION

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. Pro. 37 and Civ. LR 7-8 and 37-4, Plaintiff Securities and Exchange Commission filed and noticed its Motion for Sanctions Against Defendant Volkswagen A.G. for Violating Judge Tse’s February 10 Order, before Magistrate Judge Alexander Tse, Courtroom A of the United States District Court for the Northern District of California, located at 450 Golden Gate Avenue, San Francisco, CA 94102.

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MEMORANDUM OF POINTS AND AUTHORITIES

The Court should enter appropriate sanctions against Defendant Volkswagen A.G. (“VW”) because it has violated this Court’s February 10, 2023 Order (“February 10 Order”), by failing to produce its current employee and managing agent Dr. Thorsten Duesterdiek for deposition by March 3, 2023.

I. QUESTION PRESENTED

Should the Court enter sanctions against VW for violating the Court’s February 10 Order requiring VW to produce its current employee and managing agent for a deposition in this case?

II. INTRODUCTION

Thorsten Duesterdiek is likely the most important witness in this case, and he is a big problem for VW. He had cradle-to-grave involvement in VW’s long-running defeat device fraud. He can put senior VW executives in meetings where the defeat device was discussed and where orders were given to destroy documents. He can testify that VW personnel who worked on the Rule 144A Bond Offering documents at issue in this case knew about the defeat device, the emissions problems with VW’s “Clean Diesel” cars, and the billions of dollars in fines and penalties VW faced as a result. And he’s a current VW employee and managing agent, which means his testimony binds VW.

The fact that Duesterdiek refused to appear for his deposition does not change the fact that he is VW’s managing agent. When this Court issued its February 10 Order, it considered the possibility that he might refuse to be deposed, as VW suggested. That is why the Court found “Factor 2 weighs modestly against a managing-agent finding.” (Dkt. 106 at 3.) However, the Court also held: “[o]n balance, Factor 2 doesn’t outweigh Factors 1, 3, and 4, all of which support a managing-agent finding.” (*Id.*) Nothing has changed between February 10 and today; it’s still three factors to one supporting the Court’s managing-agent ruling.

The only relevant question now is what sanctions are appropriate for VW’s failure, and Duesterdiek’s refusal, to comply with this Court’s February 10 Order. VW says none. (*See* VW’s Motion for Relief from Court’s February 10 Order, dkt. 113.) According to VW, it asked Duesterdiek to comply, he refused, and German law says there is nothing it can do about it. End

1 of story. VW argues its hands are tied even though it has a cooperation agreement with
 2 Duesterdiek that requires him to sit for “interviews” and to appear “in court” and “provide
 3 information ... in civil court proceedings involving [VW] and/or other companies in the
 4 Volkswagen Group.” But, according to VW, the cooperation agreement doesn’t require
 5 Duesterdiek’s cooperation in this case because VW “intended” to exclude from that agreement
 6 all U.S. “civil court proceedings.” (*Id.* at 4.) It was not a drafting oversight; it was by design.

7 Yet while VW says Duesterdiek is off-limits to U.S. litigants and courts, it is making full
 8 use of his cooperation to defend itself against lawsuits in Germany. In a lengthy court brief VW
 9 filed in support of its defense to civil claims in Germany, VW has cited the testimony of “Dr.
 10 Thorsten Dusterdiek” over 100 times. According to VW’s German court filing, Duesterdiek has
 11 already and/or will provide detailed testimony for VW about the defeat device fraud *in*
 12 *Germany*. He just refuses to do it *in the United States*. According to VW, that’s not its problem;
 13 it’s the SEC’s problem and it’s the Court’s problem.

14 This Court should impose appropriate sanctions for VW’s violation of this Court’s order.

15 **III. RELEVANT FACTS**

16 **A. Thorsten Duesterdiek Is A Critical Witness.**

17 Thorsten Duesterdiek is likely the most important witness in VW’s entire defeat device
 18 fraud. He was a direct participant in all aspects of the fraud, from beginning to end. VW has
 19 admitted as much. According to VW’s German court filing, Duesterdiek has testified or will
 20 testify about all of the following facts—among many, many others:

- 21 • Richard Dorenkamp’s team of engineers “came up with the idea of using a
 22 switching function,” which existed in “the engine control unit software ... taken
 23 over from Audi AG,” to adjust the vehicle’s emission depending on the vehicle
 operating mode (German Filing, Ex. 1, ¶ 208);
- 24 • Duesterdiek and other “development engineers who were in the know continued
 to develop the [switching] function” (*id.* ¶ 228);
- 25 • “From 2010 onwards, increased damage to the diesel particulate filter occurred on
 26 US diesel vehicles with the EA 189 engine [which contained the defeat device]”
 (*id.* ¶ 464);
- 27 • “Dr. Thorsten Düsterdiek and other knowledgeable employees” suspected that the
 28 vehicles on the road were stuck in “roller mode” (*id.* ¶¶ 465-66);

- Duesterdiek had a meeting with senior VW personnel Bernd Gottweis¹, on July 25, 2012, during which he explained that “the damage to the diesel particulate filters [was possibly] due to the fact that the customers drove the vehicle in roller mode for too long,” and he “drew a model explaining the roller mode” (*id.* ¶ 473);
- A few weeks later, Duesterdiek met with Dr. Heinz-Jakob Neusser², to explain the “true cause of the damage to the diesel particulate filter filters” and he used “the same model that he claims to have shown to Bernd Gottweis” (*id.* ¶ 475);
- After their respective meetings with Duesterdiek, Gottweis and Nuesser each “instructed” and “demanded” that “Duesterdiek destroy this model” (*id.* ¶¶ 473, 475);
- To fix the problem of the vehicles staying in “roller mode” for too long, Duesterdiek and others “had the idea of reversing” the switching function so the vehicles would “always start in road mode” and the switch to “roller mode should only take place once the parameters typical of emissions tests have been identified” (*id.* ¶¶ 485-87);
- After the International Council on Clean Transportation (“ICCT”) announced that it had discovered excessive NOx emissions from VW vehicles tested during real world driving, VW assembled a “RDE NAR Task Force,” with Duesterdiek selected as the “[h]ead of the task force” (*id.* ¶¶ 629-31);
- “The first meeting of the task force under Dr. Thorsten Duesterdiek took place on April 24, 2014” and included “Jurgen Peter,” among others (*id.* ¶ 632);
- Duesterdiek’s task force “include[d] precisely those who were entrusted with solving the problem [identified by the ICCT] who had taken the illegal measures in the first place” (*id.* ¶ 634);
- On April 28, 2014, Duesterdiek (and others) “informed Bernd Gottweis about a defeat device that is illegal under US law as the cause of the results of the ICCT study,” (*id.* ¶ 612);

¹ In its criminal Plea Agreement, Volkswagen admits that Gottweis (called “Supervisor E”), who was the Head of VW’s Product Safety Committee, knew about the defeat device and that, at a meeting “in or around July 2012,” he instructed unnamed “engineers” to destroy a “document they had used to illustrate the operation of the defeat device.” (Plea SOF, Ex. 2, ¶¶ 11, 48; VW Resps. to SEC Second RFAs, Ex. 3, ¶ 5 (admitting Gottweis is “Supervisor E”).) Gottweis is no longer employed by VW, but Duesterdiek—one of the “engineers”—still is.

² In its criminal Plea Agreement, Volkswagen admits that Neusser (called “Supervisor A”), who was the Head of Engine Development for all of VW, knew about the defeat device and that, at a meeting “in or around July 2012,” he instructed unnamed “engineers” to destroy a “document they has used to illustrate the operation of the defeat device.” (Plea SOF, Ex. 2, ¶¶ 11, 48; VW Resps. to SEC Second RFAs, Ex. 3, ¶ 1 (admitting Neusser is “Supervisor A”).) Neusser is no longer employed by VW.

- During that meeting, Duesterdiek warned Gottweis that the defeat device “could be discovered” by U.S. regulators, and that VW faced “significant financial consequences in the form of recalls and fines up to USD 30,000 per vehicle” (*id.*);
- At the conclusion of the meeting, “Bernd Gottweis announced that Prof. Dr. Martin Winterkorn will be informed about the content of the conversation.” (*id.* ¶ 614).

Based on VW’s German court filing, it’s clear that VW has interviewed Duesterdiek, probably numerous times, and knows about his involvement in its defeat device scheme. Specifically as it relates to the SEC’s case, he can testify that VW personnel who worked on the Rule 144A Bond Offering documents (*e.g.*, Juergen Peter) knew about the defeat device, the emissions problems with VW’s “Clean Diesel” cars, and the billions of dollars in fines and penalties VW faced as a result. In fact, Juergen Peter, a member of Duesterdiek’s ICCT task force, prepared VW’s April 2014 task force memo, titled “Possible Consequences/Risks,” that calculated the billions in fines and penalties and other legal consequences, such as buybacks, recalls and recertifications, VW could be hit with if U.S. regulators discovered the defeat device. (*Id.* ¶ 619; *see also* ICCT Task Force Memo, Ex. 4.)

B. The Court Ruled that Duesterdiek is VW’s Managing Agent and Ordered VW to Produce Him for a Deposition.

On February 10, 2023, this Court held that Duesterdiek is VW’s managing agent, and ordered VW to produce him for deposition on or before March 3, 2023. (Dkt. 106 at 5.) The Court held three of the four managing agent factors supported a finding that Duesterdiek is VW’s managing agent. (*Id.* at 2.) The only factor the Court found did not weigh in favor of managing agent status is the factor concerning whether Duesterdiek would appear at VW’s request (*Id.* at 3.) The court still held Duesterdiek to be VW’s managing agent: “Factor 2 doesn’t outweigh Factors 1, 3, and 4, all of which support a managing-agent finding.” (*Id.*)

C. Duesterdiek and VW Violate the Court’s Order.

During the weeks following the February 10 Order, the SEC tried to schedule Duesterdiek’s deposition without success. On February 24, 2023, Duesterdiek’s U.S. lawyer, Phillip Inglima, informed the parties that Duesterdiek would not appear for a deposition. (Ex. 5, 2/24/23 P. Inglima Ltr.) VW is paying for Mr. Inglima to represent Duesterdiek in this matter.

(Ex. 6, 3/13/23 S. Han Email.) According to Mr. Inglima, Duesterdiek would appear for testimony “only in response to a court order compelling his appearance.” (Ex. 5, 2/24/23 P. Inglima Ltr.) The Court’s February 10 Order did *not*, according to Mr. Inglima, order Duesterdiek “personally” to appear for testimony. (*Id.*) Further, “only a German court can compel his appearance for testimony in Germany” and, according to Mr. Inglima, this Court lacks “authority to compel his appearance outside of Germany.” (*Id.*)

On February 27, 2023, the SEC sent correspondence to VW’s and Duesterdiek’s attorneys regarding Duesterdiek’s refusal to appear for a deposition, and in turn, VW’s noncompliance with the February 10 Order. (Ex. 7, 2/27/23 D. Hayes Ltr.) As a compromise, the SEC proposed that: (1) Duesterdiek sign a detailed, sworn declaration prepared by the SEC in which he formally exercises his rights under U.S. and German law not to incriminate himself in respect to the matters at issue in this case; and (2) the parties stipulate that the declaration can be used and would be admissible in this case to the same extent as a deposition. (*Id.*) The next day, Mr. Inglima rejected the SEC’s proposal. (Ex. 8, 2/28/23 P. Inglima Ltr. to D. Hayes.)³

IV. ARGUMENT

A. **The Court Should Sanction VW For Violating The Court’s February 10 Order.**

“If a ... managing agent of a party ... fails to obey an order to provide or permit discovery, the court where the action is pending may issue further just orders.” Fed. R. Civ. P. 37(b)(2)(A). Those orders can require a variety of sanctions, including, but not limited to adverse inferences against the party. *RP Golden State Mgmt., LLC v. Ohio Sec. Ins. Co.*, 2021 WL 2536209, at *3-4 (E.D. Cal. June 19, 2021) (granting motion for monetary and adverse inference sanctions against party whose managing agents failed to appear for their properly noticed depositions); *Card Tech. Corp. v. DataCard Inc.*, 249 F.R.D. 567, 571-72 (D. Minn. 2008) (admitting facts as established as sanction for managing agent’s nonappearance, despite party’s

³ Mr. Inglima had previously informed the SEC that, if ordered to testify in this case, Duesterdiek would exercise “his rights [not to incriminate himself] under the Fifth Amendment to the U.S. Constitution and similar doctrines of German law.” (Ex. 9, 11/28/22 P. Inglima Ltr. at 1-2.)

best efforts to get managing agent to appear). Moreover, the Court need not find a party willfully violated its discovery order to issue sanctions. *Card Tech. Corp.*, 249 F.R.D. at 570; *see Societe Internationale Pour Participations Industrielles et Commerciales, S.A. v. Rogers*, 357 U.S. 197, 207-208 (1958). “[T]he willfulness or good faith of [the party], can hardly affect the fact of noncompliance and are relevant only to the path which the District Court might follow in dealing with [the party’s] failure to comply.” *Societe Internationale*, 357 U.S. at 207-208. Thus, even if the Court believes VW’s actions in attempting to get Duesterdiek to appear constitute good faith, the Court may still sanction VW for violating the Court’s February 10 Order.

Here, the Court should enter appropriate sanctions against VW because Duesterdiek’s refusal to testify and provide evidence in this case substantially prejudices the SEC, particularly given his extensive role in and knowledge about all aspects of the fraud. The Court’s sanctions should include, at a minimum: (1) an instruction to the jury that VW was ordered to produce Duesterdiek as a witness, but VW failed to do so; (2) an instruction to the jury that they may infer from Duesterdiek’s absence that his testimony, if it had been given, would be harmful to VW; and (3) a finding that all facts supporting the SEC’s allegations that Duesterdiek could testify to, including those facts set forth above in Section III.A., are deemed true and established for purposes of this case. There is ample authority for the Court to impose these sanctions here. *See Card Tech. Corp.*, 249 F.R.D. at 571-72 (admitting facts as established as sanction for managing agent’s nonappearance, despite party’s best efforts to get managing agent to appear); *see also Motorola Credit Corp. v. Uzan*, 509 F.3d 74, 85 (2d. Cir. 2007) (finding adverse inference regarding net worth appropriate where defendants refused to sit for depositions); *Guinnane v. Dobbins*, 479 F. Supp. 3d 989, 995-96 (D. Mont. 2020) (discussing the possibility of an adverse inference instruction if a party fails to produce an adequate Rule 30(b)(6) deponent); *SEC v. Helms*, No. A-13-CV-01036 ML, 2015 U.S. Dist. LEXIS 110758, 2015 WL 5010298, at *11 (W.D. Tex. Aug. 21, 2015) (inferring from defendant’s bad faith refusal to testify that her answers to the SEC’s deposition questions would have been unfavorable to her).

In its recently filed motion asking this Court to reconsider its February 10 Order, VW relies heavily on this Court’s ruling in *Elasticsearch, Inc. v. Floragunn, GMBH*, 2022 WL

214468, at *4 n.4 (N.D. Cal. Jan. 25, 2022) (M.J. Tse) (“*Elasticsearch I*”). In *Elasticsearch II*, the Court declined to enter sanctions against the defendant because the defendant terminated the contracts of two non-employee freelance programmers when they refused to appear for their depositions. *Id.* There is no comparison between the facts in the *Elasticsearch* case and the facts here.

In its initial *Elasticsearch* ruling, this Court found that two non-employee freelance programmers were defendant’s managing agents and ordered defendant to produce them for depositions. *Elasticsearch, Inc. v. Floragunn, GMBH*, 2021 WL 1753796, at *3 (N.D. Cal. 2021) (“*Elasticsearch I*”). Later, after the freelance programmers refused to be deposed, the defendant threatened to terminate their contracts. When they refused still, the defendant carried through on its threat and terminated their contracts. Under those specific circumstances, the Court determined that sanctions were not appropriate for defendant’s violation of the Court’s order. *Elasticsearch II*, 2022 WL 214468, at 4 n.4.

The situation here is very different. *First*, Duesterdiek is nothing like the non-employee witnesses in *Elasticsearch*. He is currently employed by VW as a “manager in [VW’s] Quality Assurance Department,” he has worked for VW for over 25 years, and he has a cooperation agreement with VW requiring him to sit for interviews and answer questions about the diesel fraud. (See Dkt. 104 at 2, 3; Dkt. 104-14.) Although VW says that its cooperation agreement with Duesterdiek does not require his cooperation with U.S. civil proceedings, VW admits that is because it and Duesterdiek designed the agreement that way. They “intended” to exclude U.S. civil cases from its scope. (Dkt. 113 at 4.) *Second*, the defendant in *Elasticsearch* threatened to and did in fact terminate the contracts of the non-employee programmers when they refused to comply. Here, the opposite is true. VW has not threatened or taken any action against Duesterdiek to get him to cooperate. It has done nothing more than send two letters to Duesterdiek’s attorney, whom VW is paying, asking Duesterdiek to sit for a deposition. *Third*, there was no indication in *Elasticsearch* that the freelance programmers and the defendant were cooperating in other proceedings. Duesterdiek, however, has made himself fully available to VW in German court proceedings, and VW is using his knowledge and testimony to defend itself in

those proceedings. In sum, Duesterdiek and VW believe they are free to pick which forums they will cooperate in. This Court just isn't one of them.⁴ This was not the situation in *Elasticsearch*.

B. German Law Does Not Trump This Court's Orders.

In its recent Motion for Relief (Dkt. 113), VW claims that it should not be required to make its managing agent and current employee Duesterdiek available for deposition by the SEC, despite the Court's February 10 Order, because German law purportedly gives VW's employees the right to ignore the orders of U.S. courts. According to VW, it cannot even require its employee to sign a declaration confirming that the employee has exercised his rights to remain silent. (Dkt. 113 at 5.) The Court doesn't need to wade into what German law permits or doesn't permit to reject VW's argument. German law cannot serve as a complete shield for VW's violations of the Court's February 10 Order.

German companies, like VW, choosing to do business in the U.S. must comply with U.S. discovery obligations when their actions lead to U.S. lawsuits. *Work v. Bier*, 106 F.R.D. 45 (D.D.C. 1985) (ordering German employees' depositions despite argument that German law barred depositions). As this Court noted in its February 10 Order, "[f]oreign laws 'do not deprive an American court of the power to order a party to produce evidence under the Federal Rules.'" *Id.* (quoting *Synthes (U.S.A.) v. G.M. Dos Reis Jr. Ind. Com. De Equip. Medico*, 2008 WL 81111, at * 6 (S.D. Cal. Jan. 8, 2008)). This is true "although the production of the evidence may violate [foreign statutes] and subject the defendant to penalties' in his home country." *Synthes*, 2008 WL 81111, at *6 (ordering depositions of Brazilian nationals even though Brazilian law did not permit depositions in Brazil). In the United States, "[m]utual knowledge of all the relevant

⁴ VW's cooperation agreement with Duesterdiek is dated August 15, 2017. (Dkt. 104-14 at 6.) That is nearly two years after VW received notice that the SEC had begun investigating its defeat device fraud, and many months after other federal and state agencies and private plaintiffs filed lawsuits against VW in the U.S. If VW actually wanted to ensure Duesterdiek's cooperation in this and other U.S. civil cases, it easily could have, and would have, included an express provision requiring him to cooperate in U.S. proceedings. Instead, VW *chose* not to. Why? Obviously because it did not want Duesterdiek to cooperate in U.S. civil cases like this one. Thus, Duesterdiek is not now defying VW's wishes; he is doing what the parties "intended" when they designed his cooperation agreement. (See Dkt. 113 at 4.)

facts gathered by both parties is essential to proper litigation.” *Hickman v. Taylor*, 329 U.S. 495, 507 (1947). It would be “patently unfair” for “the scope of plaintiff[‘s] discovery [to] be limited by [foreign] law,” while defendants “have free reign to discover all relevant facts pursuant to the Federal Rules of Civil Procedure.” *In re Honda American Motor Co., Inc. Dealership Relations Litig.*, 168 F.R.D. 535, 537-39 (D. Md. 1996) (compelling depositions of Japanese nationals in the United States to avoid limitations of Japanese law).⁵

This is not a case where the Court’s discovery order threatens to infringe Germany’s sovereignty, such that the Court needs to undertake a “comity analysis.” *Id.* at 537 (a “balancing of competing interests between the sovereigns and the parties involved” is required if foreign nation’s sovereignty would be infringed by the Court’s order); *Calderon v. Experian Information Solutions, Inc.*, 209 F.R.D. 508, 520 (D. Idaho 2013). “[W]hen depositions of foreign nationals are taken on American or neutral soil, courts have determined that comity concerns are not implicated.” *Honda*, 168 F.R.D. at 538 (citing cases); *Work*, 106 F.R.D. at 51 (“violation of [Germany’s] judicial sovereignty is avoided by ordering that the depositions take place outside the country.”). The Court did not order VW to produce Duesterdiek for a deposition in Germany. As with all other depositions of VW employees taken in this case, Duesterdiek’s deposition can proceed in Brussels or America. VW and Duesterdiek can comply with the Court’s order without violating German law; they just refuse to and now want to see if the Court will change its mind because of their defiance.

⁵ VW claims it cannot even punish Duesterdiek for refusing to sign a declaration confirming his intent to exercise his rights to remain silent. (Dkt. 113 at 5.) That not only defies common sense, but it is simply not accurate. According to German employment attorney Dr. Dirk Freihube, German legal authority supports the fact that “the employee can [] be requested by the employer to submit a sworn statement” and that the “employee’s obligation to provide information upon the employer’s request is also enforceable.” (Ex. 10, 3/15/23 Decl. of Dr. Dirk Freihube at 1-2 (cites omitted).) If VW really wanted Duesterdiek to sign a statement saying that he was exercising his right to remain silent, he would sign it. And if he didn’t, VW *could* reprimand him. In any event, the Court need not get bogged down trying to resolve disputed principles of German labor law. United States law—not German law—governs the discovery obligations of VW and its managing agents.

Even if a balancing of competing interests were necessary, the sovereignty concerns of the United States would easily prevail over the non-existent German sovereignty interests implicated by the Court’s order. The United States has a clear and strong interest “in maintaining the integrity of its judicial system and the power of its jurisdiction over persons doing business in the United States.” *Honda*, 168 F.R.D. at 539. Moreover, this is an enforcement action brought by the federal government agency charged by Congress with civil enforcement of the federal securities laws, and it involves claims that defendants violated those laws by fraudulently selling billions of dollars in bonds to U.S. investors. *See id.* (case between private parties involving federal antitrust laws and questions of U.S. economic policy implicated U.S. sovereignty). The sovereignty concerns of the United States would be “severely infringed” if its laws, its court rules, and its courts’ orders had to give way to Duesterdiek’s objection to being deposed. *Id.*

VW cannot hide behind German law to side-step this Court’s valid discovery orders to the great prejudice of the SEC. *See Graco, Inc. v. Kremlin, Inc.*, 101 F.R.D. 503, 527 (N.D. Ill. 1984). To paraphrase the *Graco* court’s holding, “The [German] Statute is not [the SEC’s] problem, and it is not the court’s problem; it is [VW’s] problem.” *Id.*

VW’s violation of the Court’s February 10 Order should be sanctioned, not rewarded.

V. CONCLUSION

If the Court allows VW to escape sanctions here, VW will have written the perfect playbook for foreign corporate litigants looking to duck their discovery obligations—*i.e.*, their managing agents are free to disregard the orders of U.S. courts without consequence. The fact that VW is now trying to shoehorn its way into the very different situation present in this Court’s recent ruling in *Elasticsearch* proves this point. VW—not the SEC and not the Court—must bear the consequences of the decisions made by its managing agents. VW certainly understood when it decided to tap into American financial markets to raise billions of dollars from U.S. investors that its decision came with strings—*i.e.*, an obligation to comply with U.S. law, including U.S. discovery rules. VW has enjoyed the immense upside to that decision; it cannot now simply cut the strings.

1 For the foregoing reasons, the SEC respectfully requests that grant this motion, that it
2 enter all appropriate sanctions against VW, including the sanctions requested in this motion, and
3 grant the SEC all additional relief that is appropriate in the circumstances.

4
5 Dated: March 17, 2023

Respectfully submitted,

6 /s/ Daniel J. Hayes
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CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2023, I electronically transmitted the foregoing document to the Court Clerk using the ECF System for filing. The Clerk of the Court will transmit a Notice of Electronic Filing to all ECF registrants.

/s/ Daniel J. Hayes

DOCUMENT 10

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May 26, 2023

VIA EMAIL

The Honorable Vaughn R. Walker
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Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation* – MDL No. 1917,
Master File No. 07-CV-5944-JST

Dear Judge Walker:

I. Introduction

Direct Purchaser Plaintiffs (“DPPs”) and Indirect Purchaser Plaintiffs (“IPPs”) (together, “Plaintiffs”) respectfully submit this Reply Brief in Support of their Motion for Terminating or Alternative Sanctions (“Motion” or “Mot.”).

Irico’s Opposition (or “Opp.”)¹ fails to refute the damning facts Plaintiffs set forth in the Motion. Those facts demonstrate that Irico:

- Ignored the advice of its counsel and failed to preserve entire categories of highly relevant documents;
- Failed to produce two key witnesses for deposition, and acted in bad faith in so doing;
- Improperly withdrew from the case for over seven years which effectively put most witnesses with knowledge of its participation in the alleged conspiracy beyond the reach of this litigation;
- Defied at least five Court orders; and
- Was repeatedly dishonest with Plaintiffs and the Court about the foregoing.

¹ Defendants Irico Group Corporation (“Group”) and Irico Display Devices Co., Ltd. (“Display”) (together, the “Irico Defendants” or “Irico”).

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In short, the record demonstrates that from the start of this litigation Irico has brazenly violated well-established law and this Court's orders, destroyed evidence, and repeatedly misled the Court. Irico's Opposition also reveals that it is unrepentant. It acknowledges none of its misdeeds. Instead, Irico portrays itself an exemplary litigant that has operated honestly and in compliance with discovery obligations since the outset of the case to the best of its abilities, and taken great pains to reduce the burdens of discovery to Plaintiffs. *See* Opp. at 22–23. It asserts that any shortcomings are the innocent results of its inexperience and unfamiliarity with American legal proceedings, and caused no meaningful prejudice to Plaintiffs. In other words, Irico's opposition manifests a decision to brazenly continue its dishonest defense of this case and to double down on its improper and unlawful conduct.

First, Irico's assertion that it has done nothing materially wrong and therefore lacked the requisite intent for the Court to impose terminating or any other severe sanction ignores the facts and the law. There is no question that Irico's wholesale destruction of virtually all evidence in its possession relating to its participation in the alleged conspiracy and its sale of CRTs was intentional. This is conclusively shown by Irico's admitted failure—after receiving explicit advice from its sophisticated counsel and an express order of the Court—to disseminate any written litigation hold notice beyond the Litigation Committee (who were themselves conspirators), or to search for and preserve evidence relating to its participation in the conspiracy. Irico's intentionality is also demonstrated by its long-running campaign to mislead Plaintiffs and the Court and prevent its wrongful conduct from seeing the light of day.

Second, Irico has no excuse for its failure to produce Su Xiaohua for deposition. Mr. Su was one of only two remaining Irico employees who attended competitor meetings. Irico fails to rebut Plaintiffs' showing that it violated two Court orders. Irico's claim that Mr. Su's failure to testify was outside its control is contrary to the record. Irico authorized his early retirement without requiring him to testify, knew he would not testify well before informing Plaintiffs, and did nothing to persuade him to testify.

Third, Irico fails to submit any evidence to support its contention that its unilateral withdrawal from the case for over seven years was based on a good faith belief that it was immune from suit under the Foreign Sovereign Immunities Act of 1976 ("FSIA"). Irico thereby concedes that its representation to that effect to the Court in connection with its motion to lift the default—and on which the Court appeared to rely in lifting the default—was false.

Fourth, Irico's dismissal of its various other failures to comply with Court Orders as too far in the past to form the basis for sanctions or to even be considered by the Court is incorrect. Much of this wrongdoing—which Irico does not meaningfully deny—only became clear after recent discovery revealed Irico's spoliation of evidence and dishonest coverup of that fact, among other things. Regardless, it is plainly proper for the Court to consider Irico's violations of orders of the Court and its discovery obligations. Indeed, the Court asked Plaintiffs to brief the issue.

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As Plaintiffs explained in the Motion, Irico's conduct warrants the imposition of a terminating sanction to prevent Irico from profiting by its wrongful conduct, to vindicate the Court's authority, to deter such conduct by Irico and other litigants, and to remedy the severe prejudice to Plaintiffs and the Court caused by Irico's conduct. Short of that, the Court should impose severe alternative sanctions, including deeming key facts determined against Irico, striking Irico's affirmative defenses, instructing the jury that it must draw an adverse inference based on Irico's failure to preserve evidence and failure to produce a key witness (and drawing such an inference itself when the Court serves as trier of fact), and deeming notes of competitor meetings produced by other defendants herein to be admissible at trial against Irico.

II. Irico Fails To Rebut Plaintiffs' Evidence That Its Spoliation of Evidence Was Intentional.

Irico fails to rebut—or even meaningfully address—Plaintiffs' showing that it made no effort to identify or preserve potentially relevant evidence, and that in allowing that evidence to be lost or destroyed, it acted in bad faith and with the intent to deprive Plaintiffs of the use of that evidence in this case. Irico's claim that it failed to understand its basic obligations to preserve evidence despite the clear and repeated advice of a sophisticated law firm is preposterous. Its assertion that, in any event, there were few relevant documents left to preserve at the commencement of the litigation is equally unavailing. The law imposes on Irico the duty of establishing that the lost evidence was not material. *See Leon v. IDX Sys. Corp.*, 464 F.3d 951, 959 (9th Cir. 2006) (a spoliating party cannot assert a "presumption of irrelevance" as to destroyed documents). But Irico has made no attempt to meet that burden. Finally, Irico's arguments that Plaintiffs have misstated the law lack merit. The evidence of Irico's intent more than satisfies the requirements for terminating or other severe sanctions.

A. Irico's Claims That It Failed to Understand Its Obligations To Preserve Evidence Continue Its Campaign of Deception.

1. Pillsbury Clearly Informed Irico Of Its Obligations.

Irico claims that it did not understand its obligation to preserve "potentially relevant" documents despite the clear advice of its sophisticated counsel because it lacked experience with American litigation generally and antitrust litigation specifically. It therefore argues that its conduct was not sufficiently "intentional" to justify terminating or other severe sanctions. Opp. at 19–21. This argument is completely unsupported by facts and cannot withstand scrutiny. The facts compel the conclusion that Irico's claims of misunderstanding are false.

First and foremost, Irico disregards the fact that its obligations were repeatedly explained to it in detail by Pillsbury. Mot. at 4–7. Irico's attempts to minimize Pillsbury's express instructions to preserve "potentially relevant" documents ignore the plain language of those instructions. Pillsbury repeatedly advised Irico of the importance of preserving

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documents and the dire consequences of a failure to do so. Pillsbury explained at least as early as February 2008 that Irico was required to disseminate a written notice to its employees to preserve documents; transmitted the Court's order requiring the preservation of evidence; explained in detail particular categories of documents that should be preserved; and drafted a proposed written litigation hold notice, in Chinese, with instructions that it should be disseminated to Irico employees. *Id.* It is uncontested that Pillsbury's advice was transmitted to and considered at the highest levels of Irico including the Litigation Committee.² Irico General Counsel Yan Yunlong admits that he read and understood Pillsbury's advice and discussed it with Pillsbury. He also forwarded and transmitted it to his superiors and to the members of the Litigation Committee. The Litigation Committee studied and discussed it.³

Irico also concedes that the Litigation Committee, in addition to General Counsel Yan, was made up of sophisticated senior Irico executives, *id.*, Ex. A at 8–10, many of whom had attended competitor meetings, some as recently as July 2007.⁴ The Litigation Committee was thus well aware of the facts alleged in the complaints and the illegality of the meetings. Indeed, the meetings included discussions of the need to maintain secrecy.⁵ It is not credible that the Litigation Committee members did not understand Pillsbury's clear and straightforward advice to locate and preserve evidence relating to those meetings. Despite all of this, Irico admits that no written litigation hold was ever disseminated to potential custodians, no investigation was ever performed into the existence of potentially relevant documents, and no documents were ever preserved as a result of Pillsbury's advice or the Court's Order. *See, e.g.*, Mot. at 11–14.

Indeed, even Irico's claim that it orally instructed its employees to preserve evidence is completely unsupported. There is no evidence in the record that a single person beyond the Litigation Committee was ever advised to preserve any evidence. The only witness with actual knowledge—General Counsel Yan—testified that he never told anyone beyond the Litigation Committee to preserve anything, and that while he asked other

² Capurro Decl., Ex. D (IRI-SUPP-000006–11E). “Capurro Decl.” refers to the Declaration of Lauren C. Capurro submitted in support of the Motion. “Saveri Decl.” refers to the accompanying Declaration of R. Alexander Saveri.

³ *Id.*, Ex. E (Yan Yunlong Dep. Tr. Vol. I) at 127:19–130:23; *see also id.*, Ex. D (IRI-SUPP-000006–11E).

⁴ *See* Saveri Decl., Ex. 1 (BMCC-CRT000105586–90E) at BMCC-CRT000105587 (listing Wang Ximin as attendee).

⁵ *See, e.g., id.*, Ex. 2 (Dep. Ex. 8570, CHU00047657–74) (January 2007 meeting attended by Xing Daoquin (President of Group), Guo Mengquan (senior executive of Group), Wang Ximin and Shen Xiaolin (senior executives of Group and Litigation Committee members)) at CHU00047661–62 (“President of the Association Fan: The meeting needs to form a press release so that all speak with one voice. (Please pay attention to information security and information propaganda, and keep the meeting content from spreading outside.)”).

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members of the Litigation Committee to do so, he does not know if they did.⁶ In short, the evidence overwhelmingly supports and compels the conclusion that Irico was fully aware that it was obliged to search for and preserve evidence, and it knew that evidence would be lost or destroyed in the absence of such preservation. Yet, Irico failed to take any steps to find or preserve any such evidence.

Irico fails to meaningfully address any of the foregoing evidence. Strikingly, Irico offers no positive evidence of its purported misunderstanding. While General Counsel Yan and other members of the Litigation Committee remain available to Irico, the record contains no positive averment by anyone with personal knowledge that Irico in fact misunderstood Pillsbury's advice. On the contrary, General Counsel Yan testified that he advised the Litigation Committee to preserve documents in addition to those relating to U.S. sales and competitor meetings.⁷ Irico's reliance on Zhang Wenkai's testimony that Irico believed it was unnecessary to preserve evidence is misplaced. Mr. Zhang's testimony is not only not credible, it was also part of an attempted cover-up of Irico's failure to preserve evidence. Mot. at 8. Moreover, Mr. Zhang lacks credibility because he previously submitted a false declaration, *see* ECF No. 6115 ("Su Order") at 2–3, and he has no personal knowledge of Irico's preservation of evidence in 2008 because he did not begin serving as Irico's legal counsel until 2017.⁸

2. Pillsbury's Advice Was Clear.

Second, Irico's criticisms of Pillsbury's advice—i.e., that it was unclear and inadequate—lack merit. *See, e.g.*, Opp. at 17, 19 (characterizing February instructions as merely "general advice"). Pillsbury's instructions "not to destroy or dispose of any potentially relevant documents, whether in paper, electronic, or any other form" are clear and unambiguous. Irico also mischaracterizes Pillsbury's advice. The February email—in Chinese from a Pillsbury partner in its Shanghai office—clearly advised Irico to provide written instructions "as soon as possible" to its relevant employees to preserve evidence, and offered its help drafting the notice. Capurro Decl., Ex. C (IRI-SUPP-000001–05E) at IRI-SUPP-000001E. Irico's assertion—again unsupported by a declaration or other evidence—that this email was the only advice it received for "over four months" is incorrect. Opp. at 18. The June 2008 communication indicates at least one previous "discussion" with Irico personnel relating to evidence preservation, and again unambiguously emphasizes the importance of the issue. Capurro Decl., Ex. F (IRI-SUPP-000012–021E) at IRI-SUPP-000012E ("As we have discussed with Irico, this is an extremely important statutory requirement. If some potentially relevant information is lost or destroyed, this could have very serious consequences for Irico."). Moreover, Mr. Yan

⁶ Capurro Decl., Ex. E (Yan Yunlong Dep. Tr. Vol. I) at 137:21–139:14.

⁷ *Id.* at 136:25–138:21.

⁸ ECF No. 5215-1 ¶ 2 (Zhang Declaration ISO Irico's Motion to Set Aside Default); ECF No. 5240 at 5–6 (Order Setting Aside Default finding Zhang lacked personal knowledge).

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confirmed that he spoke with Pillsbury attorneys regarding document preservation issues. *See id.*, Ex. E (Yan Yunlong Dep. Tr. Vol. I) at 132:17–133:7.

The discussion(s) Irico personnel had with Pillsbury dispose of any possibility that Irico misunderstood its obligations to preserve evidence. Pillsbury lawyers were available (including Chinese-speaking attorneys in the Shanghai office) to discuss any questions Irico had, and Irico in fact discussed its obligations with them. In short, the record is clear that Pillsbury’s instructions to Irico to preserve all “potentially relevant” documents were timely, repeated and clear, and that Irico had the opportunity to and did discuss them with its experienced counsel.

3. Irico Did Not Misunderstand the “Scope” of the Documents It Was Obligated to Preserve.

Irico’s claim that it misunderstood the “scope” of the documents it was required to preserve is not credible in light of the foregoing. The Litigation Committee members were aware of the alleged wrongful behavior by virtue of their participation in it. *See* Mot. at 28. Irico’s claim that “relevance” is a concept unique to American law that Irico had no experience with defies belief. It is, once again, unsupported by any evidence. In addition, it is implausible that the concept of relevance or the nature of evidence-based proceedings would be beyond the understanding of sophisticated Chinese businesspeople who have retained American lawyers to advise them. Irico’s claim also rings false because it failed to preserve *any* evidence that might bear on the subject matter of this lawsuit. To lose or destroy *everything*, Irico cannot have had a mere misunderstanding about what was relevant. Rather, its failure to preserve anything must have been intentional. The notion that the Litigation Committee would fail to understand the concept of written notice to document custodians is similarly implausible.

4. Irico Was Not An “Inexperienced” Or “Unsophisticated” Litigant.

Irico’s claims that it was an inexperienced and unsophisticated litigant unfamiliar with antitrust law are contradicted by the record. Consistent with its longstanding position as a major manufacturer and global exporter of CRTs,⁹ Irico had substantial experience with high-level litigation by 2008, including matters in the United States and matters involving allegations of anti-competitive conduct. For example, in 2000, Irico was a participant in an antidumping proceeding before the European Commission alleging dumping of 14” CRTs. The case involved analysis of, among other things, Irico’s eligibility for ‘market economy status,’ the CRT markets in India, Malaysia, China and the European Union and the cost basis for its 14” CRTs. Saveri Decl., Ex. 4 (Dep. Ex. 8396) at 1. Irico hired sophisticated European counsel and prevailed on the ground that its conduct had

⁹ *See, e.g.*, Saveri Decl., Ex. 3 (excerpt of Dep. Ex. 8418, IRI-CRT-0000232–321E) (Irigo Display 2007 Annual Report) at IRI-CRT-0000247E (18% of revenue from overseas)).

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caused no harm to the complainant. *Id.* Moreover, its star witness in the proceeding—Liang Yuan—was a member of the Litigation Committee.¹⁰

Irico’s statement that it was “wholly unfamiliar with U.S. litigation in 2008” is also demonstrably false. In 2001, Irico engaged prominent San Francisco lawyer Cedric Chao of Morrison & Foerster in connection with potential litigation regarding the fraudulent sale of assets of its United States sales company Irico (USA) Inc.¹¹ Irico ultimately decided not to pursue litigation because of its cost and because of anticipated problems with “evidence collection.”¹² Based on this experience, Irico would have understood that the loss of communications relating to its attendance at competitor meetings and other evidence of its participation in the alleged conspiracy, and of its CRT production, pricing and sales, among other things, would be to its advantage in this litigation.

Irico argues that its good conduct since 2017 and its “candor” about its destruction of evidence rebuts a finding of intentionality. Opp. at 23. This argument is likewise contrary to the record. As the Court has noted, Irico’s conduct in discovery has been clearly inadequate. *See, e.g.*, Su Order at 7 (“Throughout the entire CRT litigation, there have been many discovery disputes, but on a per defendant basis, the discovery motions involving the Irico defendants appear notably numerous. Most of the discovery disputes briefed by Irico and the PPs have resulted in orders compelling Irico to respond to discovery requests.”); *id.* at 12 (“the chronology recited herein paints an unflattering picture of Irico”); *see also* Mot. at 15–21. In addition, as detailed in the Motion, Irico has been far from candid regarding its failure to search for and preserve relevant evidence in 2008 in a transparent attempt to avoid sanctions.

Further, Irico’s claims of “good faith” and “candor” are absurd. Its conduct is comparable to that of the sanctioned parties in *Internmatch, Inc. v. Nxtbigthing, LLC*, No. 14-CV-05438-JST, 2016 U.S. Dist. LEXIS 15831, 2016 WL 491483, at *8–10 (N.D. Cal. Feb. 8, 2016), *vacated*, No. 14-CV-05438-JST, 2017 WL 8944065 (N.D. Cal. Nov. 17, 2017) (“*Internmatch*”); *Facebook, Inc. v. OnlineNIC Inc.*, No. 19-CV-07071-SI (SVK), 2022 WL 2289067, at *3–5 (N.D. Cal. Mar. 28, 2022), *report and recommendation adopted*, No. 19-CV-07071-SI, 2022 U.S. Dist. LEXIS 11306, 2022 WL 17371092 (N.D. Cal. Oct. 17, 2022); and *Dupuis v. Marriott Corp.*, No. 3:12-CV-00580-AC, 2014 U.S. Dist. LEXIS 5678, 2014 WL 199096, at *7 (D. Or. Jan. 15, 2014). *See* Opp. at 22–23. Indeed, as explained in the Motion and below, this conduct provides additional support for the imposition of severe sanctions. *See, e.g.*, Mot. at 3–21.

¹⁰ Capurro Decl., Ex. A (Irico’s Suppl. Objs. & Resps. To IPPs’ Third Set Interrogs.) at 8–9.

¹¹ Saveri Decl., Ex. 5 (Dep. Ex. 8392, IRI-CRT-00003490–97E) at IRI-CRT-00003494E.

¹² *See id.* at IRI-CRT-00003496 (“evidence collection would involve US laws, which suggests too many big obstacles and hefty costs, making it hard to do”); *id.* at IRI-CRT-00003490 (records unavailable).

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B. Irico's Conduct Meets the Legal Standard of Intent, Willfulness and Bad Faith.

Irico's assertion that Plaintiffs set forth an improper standard for the degree of intentionality required for the imposition of terminating or other severe sanctions is incorrect. Plaintiffs' statement of the applicable standards is correct, *see* Mot. at 26–29, and none of the cases cited by Irico enunciate a materially different standard. “Intent,” willfulness and bad faith can be proven inferentially through circumstantial evidence. *Torgersen v. Siemens Bldg. Tech., Inc.*, No. 19-CV-4975, 2021 U.S. Dist. LEXIS 98024, 2021 WL 2072151, at *4 (N.D. Ill. May 24, 2021). The facts and circumstances that distinguish Irico's conduct here have been repeatedly found to support a finding of intentional spoliation.¹³

Violation of a Court Order to Preserve Evidence. In *John v. Cty. of Lake*, No. 18-cv-06935-WHA (SK), 2020 U.S. Dist. LEXIS 118241, *20–21, 2020 WL 3630391 (N.D. Cal. July 3, 2020), the district court found that the defendants had destroyed evidence with a guilty intent based on the fact that the court had “explicitly warned Defendants to put in place policies to preserve evidence and to stop any policy of destruction,” but that they had failed to do so.¹⁴ The same is true here—Irico ignored the Court's direction, in Pretrial Order No. 1, to search for and preserve potentially relevant evidence.

Massive Loss or Destruction of Evidence. The sheer scope of the loss or destruction of evidence has also been held to support a finding of intent. *See WeRide Corp. v. Kun Huang*, No. 5:18-cv-07233-EJD, 2020 U.S. Dist. LEXIS 72738, 2020 WL 1967209

¹³ Irico claims that Plaintiffs' arguments regarding its culpability “rest on bad authority” because it asserts that *Pension Committee of the University of Montreal Pension Plan v. Banc. of Am. Sec., LLC*, 685 F. Supp. 2d 456 (S.D.N.Y. 2010) (“*Pension Committee*”), was “abrogated” by the Second Circuit in *Chin v. Port Auth. of N.Y. & N.J.*, 685 F.3d 135, 162 (2d Cir. 2012) (“*Chin*”). Opp. at 21–22. This argument is incorrect. *Pension Committee* has not been overruled. The *Chin* court, in *dicta*, merely took issue with *Pension Committee*'s statement that the failure to adopt a written litigation hold constitutes “gross negligence *per se*.” *Chin*, 685 F.3d at 162. That quibble is profoundly irrelevant here because Plaintiffs argue that Irico's failure to adopt a written litigation hold, in defiance of its own counsel's repeated instructions, was willful. Moreover, none of the other propositions for which Plaintiffs cited *Pension Committee* have been questioned by the Second Circuit, much less abrogated. *See* Mot. at fns. 91, 96, 114 & 129. *Pension Committee* remains good law. And, in any event, it is not the only authority supporting the imposition of sanctions against Irico in this case.

¹⁴ *See Bernstein v. Virgin America, Inc.*, No. 15-cv-02277-JST, 2018 U.S. Dist. LEXIS 201712, 2018 WL 6199679, *5 (N.D. Cal. Nov. 28, 2018) (“Disobedient conduct not shown to be outside the control of the litigant” was all that was required to demonstrate the defendant's willfulness, bad faith, or fault); *Internmatch*, 2016 U.S. Dist. LEXIS 15831, at *11 (same).

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(N.D. Cal. Apr. 24, 2020) (“*WeRide*”) (defendants’ “massive” destruction of ESI held to support a finding of intent under Rule 37(e)). Here, virtually everything was destroyed.

Failure to disable auto-delete functionality. Failure to disable auto-delete functionality has also been held to satisfy the intent requirement of Rule 37(e)(2). *Glaukos, Inc., v. Ivantis, Inc.*, No. SACV 18-620 JVS (JDEx), 2020 U.S. Dist. LEXIS 257464 (June 17, 2020); *WeRide*, 2020 U.S. Dist. LEXIS 72738, at *35. *See Paisley Park Enters. v. Boxill*, 330 F.R.D. 226, 233 (D. Minn. 2019) (failure to de-activate auto-erase function found to be “sufficient to show that Defendants acted unreasonably”). In this case, Irico did nothing to terminate the automatic deletion of emails. Indeed, there is no evidence that anyone at Irico even talked to the IT department about preventing the automatic destruction of evidence or preserving records.

Conscious Dereliction of a Known Duty to Preserve Evidence. An intent to deprive can also be found from “a conscious dereliction of a known duty” to preserve evidence. *Mule v. 3-D Bldg. & Constr. Mgmt. Corp.*, 2021 U.S. Dist. LEXIS 124711, *37–38, 2021 WL 2788432 (E.D.N.Y. Jul. 2, 2021). Here, Pillsbury told Irico what it was obligated to do to comply with U.S. law regarding evidence preservation. That Irico deliberately defied Pillsbury’s repeated instructions is evidence of intent. *See Zubulake v. UBS Warburg LLC*, 229 F.R.D. 422, 436–37 (S.D.N.Y. 2004) (concluding that UBS acted willfully in destroying potentially relevant information and ordering an adverse inference instruction based, in large part, upon the finding that “UBS deleted the e-mails in defiance of explicit instructions [from counsel] not to.”).

Inconsistent Stories. In *Internmatch*, 2016 WL 491483, at *11, Judge Tigar held that inconsistencies in the defendants’ explanation of how evidence had been lost or destroyed supported an inference that they had been guilty of bad faith spoliation, and imposed sanctions that included a mandatory adverse inference instruction to the jury. *Accord Torgersen*, 2021 WL 2072151, at *4–5 (plaintiff’s “shifting explanations” of why his Facebook page had been deleted supported a finding of intent). Irico’s shifting explanations of what it did or failed to do to identify and preserve evidence also support a finding of intentionality. *See Mot.* at 8–10.

Implausible Explanations. In *Fast v. GoDaddy.com LLC*, 340 F.R.D. 326, 337 (D. Ariz. Feb. 3, 2022), the Court found that the implausibility of Plaintiff’s explanation for her loss or destruction of evidence supported the conclusion that she had failed to preserve this evidence with intent to deprive Ds of its use in the litigation. The same is true here.

Notice of Relevance. In *Leon v. IDX Sys. Corp.*, 464 F.3d 951, 959 (9th Cir. 2006), the Ninth Circuit held that “[a] party’s destruction of evidence qualifies as ‘willful’ spoliation if the party has ‘some notice that the documents were potentially relevant to the litigation before they were destroyed.’”). Here, Irico had been served with the complaint and was represented by experienced, knowledgeable counsel. It plainly had notice of the relevance of much, if not all, of the material that has now been lost.

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C. Irico Fails To Rebut Plaintiffs' Showing That Plaintiffs Have Been Prejudiced By Its Destruction Of Entire Categories Of Relevant Documents.

Irico seeks to avoid sanctions for its failure to institute a litigation hold and suspend its email autodelete function by claiming that few relevant documents remained in late 2007 when its duty to preserve was triggered. Irico points to its “rudimentary” electronic systems, its limited use of email during the class period, and the fact that there was no requirement to preserve ESI under Chinese law. *See* Opp. at 13–17. Irico further asserts that it preserved and produced “many relevant hard copy documents” in Irico’s government-mandated archives pursuant to Chinese law. *Id.* at 12–13.

This Court has already concluded that “[o]n balance, it appears highly likely that relevant evidence was destroyed or lost due to Irico’s long-delayed and inadequately implemented litigation hold efforts.” ECF No. 6146 at 9. The Court expressly rejected Irico’s contention that all documents would have been destroyed before the duty to preserve arose. Mot. at 11, 13–14. Irico fails to even mention these findings, much less offer new evidence or arguments suggesting that they are inaccurate.

To show prejudice resulting from spoliation, a party need only come forward with plausible, concrete suggestions as to what the destroyed evidence might have been. *Micron Tech., Inc. v. Rambus Inc.*, 645 F.3d 1311, 1328 (Fed. Cir. 2011). Plaintiffs have satisfied this standard. In the Motion, Plaintiffs pointed to additional examples of entire categories of highly relevant electronic and hard copy documents that Irico generated during the relevant period, but which it failed to preserve and produce. *See* Mot. at 11–13. Plaintiffs also provided additional examples of emails dated 2006 and 2007, competitor meeting notes, weekly and monthly sales and marketing reports, and other Irico-authored documents—all of which were computer generated—that Plaintiffs have found in other defendants’ files. *Id.* at 13–14. Irico has produced none of these documents.

Irico does not dispute that it generated the types of documents identified by Plaintiffs, that the documents Plaintiffs found in other defendants’ files are authored by Irico, or that it failed to preserve and produce them. Nor does it challenge the Court’s prior findings. Rather, Irico ignores Plaintiffs’ evidence and the Court’s findings and repeats arguments the Court has already rejected.

1. Irico’s Provides No Evidence In Support Of Its Claim That It Destroyed All Relevant ESI Before Its Duty To Preserve Was Triggered.

Irico presents no admissible evidence in support of its implausible claim that it destroyed all relevant emails and other ESI in the ordinary course of business before its duty to preserve was triggered. Irico relies on its own self-serving interrogatory

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responses,¹⁵ which are not admissible evidence. *See Cardinal v. Lupo*, No. 18-cv-00272-JCS, 2019 U.S. Dist. LEXIS 159296, at *72–73, 2019 WL 4450859 (N.D. Cal. Sep. 17, 2019), *citing AT & T Corp. v. Dataway Inc.*, 577 F. Supp. 2d 1099, 1109 (N.D. Cal. 2008) (a party cannot rely on its own interrogatory responses because “[a] party’s own interrogatory responses . . . are hearsay”). Moreover, Irico’s interrogatory responses elsewhere admit that it recycled the computers of departing employees long after its duty to preserve was triggered.¹⁶

Irico’s only other evidence in support of this claim is Mr. Zhang’s testimony that Irico had no retention policy for electronic documents because the Chinese government did not require it. *See Opp.* at 16. But Mr. Zhang did not work for Irico during the class period. Accordingly, he lacks personal knowledge of Irico’s retention of electronic documents during that time. In addition, even if it is true that Irico did not have a retention policy for electronic documents in 2008, it does not follow that Irico had destroyed *all* relevant emails and other electronic documents before its duty to preserve was triggered. Irico has never provided any sworn evidence from an IT professional about the technical specifications of its servers or email systems (e.g., what equipment was installed and when, the storage capacity of the system, backup procedures, etc.), or any explanation for why it cannot do so. Likewise, even if the Court credits Irico’s self-serving assertions that email servers were regularly overwritten at that time, “Irigo [still] presents no information about investigating custodial files of ‘key employees’ who may have printed relevant emails, forwarded them to their personal email accounts or downloaded emails to their work or personal computers or to portable hard drives.” ECF No. 6146 (“Lit. Hold Order”) at 9. Irigo’s silence in response to the Court’s invitation is telling.

Finally, as detailed in the Motion and above, Irigo has admitted that it made no effort to investigate Plaintiffs’ claims beyond attempting to prove it made no direct sales to the United States.¹⁷ It has also admitted it has no evidence of anyone at Irigo searching for relevant emails or other documents in 2008.¹⁸ Thus, Irigo has no way of knowing what existed when, and whether relevant evidence was destroyed before or after the duty to preserve was triggered. Since Irigo’s conduct has created this uncertainty, it should bear the consequence of it. *See Perez v. United States Postal Serv.*, No. C12-00315 RSM, 2014 U.S. Dist. LEXIS 184999, at *9 (W.D. Wash. July 30, 2014) (“Where emails and documents are missing entirely due to a party’s failure to preserve and their relevance cannot be directly ascertained, a party can hardly assert any presumption of irrelevance to

¹⁵ *See Opp.* at 16 (citing Irigo’s interrogatory responses as support for the limited storage capacity of Irigo’s email server and its policy of retaining emails on its server for only twenty days).

¹⁶ *See Mot.* at 12 nn. 43 & 44.

¹⁷ *See Mot.* at 10 (citing Capurro Decl. Ex. S (Irigo’s Third Suppl. Resp. to Interrog. No. 2) at 25–26, & Ex. R (Unsworn Yan Decl.) ¶¶ 7–10).

¹⁸ *Id.*

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the destroyed documents. Rather, the party that fails to preserve evidence bears the consequence of the uncertainty as to the relevance of the documents and the resulting prejudice.”) (internal quotation marks and citations omitted).

2. Irico’s Claim That Its Employees’ Use Of Email Was Limited Is Contrary To The Evidence And Cannot Justify Its Failure To Produce Any Emails.

As the Court has already recognized, Irico’s claim that its employees’ limited use of email justifies its failure to produce any emails lacks merit. Irico continues to rely upon self-serving and implausible testimony by individuals who lack knowledge of email use by others,¹⁹ and its own interrogatory answers, which as demonstrated above, are not admissible evidence. *See Cardinal v. Lupo*, 2019 U.S. Dist. LEXIS 159296, at *72–73. Irico also ignores the substantial evidence demonstrating email use by its employees as far back as 2001. Emails produced by defendant BMCC show an “Irico.com.cn” domain as early as 2001, and in 2002 and 2003.²⁰ In addition, Liang Yuan regularly used email to communicate with Irico’s competitors in 2006 and 2007. *See* Lit. Hold Order at 9 (finding that emails “in Ling Yuan’s and others’ files” likely still existed at the time the duty to preserve arose).²¹ Irico also concedes that it used email to communicate regarding production and “the scheduling and planning of the China CPT Industry Association[,]”²² a trade organization through which anticompetitive agreements were reached and enforced.

Further, Irico offers no meaningful new evidence to support its implausible assertion that no relevant pre-2007 email communications existed at the end of 2007. The recent (2020) newspaper article written about email use generally in China (Opp. at 16–

¹⁹ Mr. Zhang’s testimony regarding what he was told by “IT” is inadmissible hearsay. Opp. at 14. Yan’s testimony lacks foundation as to how employees in other departments used email. Opp. at 15.

²⁰ *See* Saveri Decl., Ex. 6 (BMCC-CRT000127966–69) (2001 email sent to pqwang@irico.com.cn from LG), Ex. 7 (BMCC-CRT000314540) (2002 email sent to hywen@irico.com.cn from Konka), Ex. 8 (BMCC-CRT000296385) (2003 email sent to jingyuan@irico.com.cn from BMCC). Irico has asserted that the “Irico.com” domain was maintained by its sales company CNEIECC. *See* Capurro Decl., Ex. P (Irico’s Objs. & Resps. to IPPs’ Fourth Set of Interrogs.) at 8 (response to Interrogatory No. 1A). This is a distinction without a difference, even if true. However, business cards produced by Chunghwa show that Gao Rongguo used an Irico.com.cn email address in 2003, when he was a General Manager at Irico Group. *See* Saveri Decl., Ex. 9 (Dep. Ex. 8584, CHU00030303–04) at CHU00030303 (first column, second row), CHU00030304 (same, with handwritten date).

²¹ *See also* Mot. at 13 (discussing emails); Capurro Decl. ¶¶ 29–31, Exs. Z–BB.

²² *See* Capurro Decl. Ex. S (Irico Third Suppl. Resps. to IPPs’ Third Set Interrogs., Resp. to Issue No. 8) at 13–17.

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17) is (a) not evidence, (b) does not address *Irico's* email use, (c) does not account for Irico emails produced by its co-conspirators, and (d) in no way undermines the concrete evidence in the record or the Court's previous findings. Irico's assertion that, "[b]y the time email came into use at Irico, CRT sales in the U.S. had plummeted to near extinction," Opp. at 26, is demonstrably false. From 2004 through 2007, CRT sales were declining but they continued to constitute the majority of TV and monitor sales in the U.S.²³ And in any event, a decline in U.S. sales does not diminish the relevance of the emails Irico destroyed.

Finally, even if it is true that Irico generated limited emails and other ESI and did not preserve them in the ordinary course of business, that would not explain why Irico failed to preserve and produce hard copies of any of these broad categories of important documents. For example, Irico has no explanation for its failure to search for, preserve and produce *any* hard copy documents from the files of its "key employees"—particularly the Litigation Committee members who attended competitor meetings and who received Pillsbury's repeated and detailed instructions on preserving relevant evidence. There were likely also central files containing hard copies of the Irico sales and marketing reports that Plaintiffs have found in other defendant's files. Irico fails to respond to Plaintiffs' assertion that at least some of these reports must have existed at the time their duty to preserve was triggered, particularly given that they contained very valuable market data and were generated on a weekly or monthly basis. *See* Mot. at 14.

3. Irico's Preservation Of Some Relevant Documents Pursuant to Chinese Law Does Not Excuse Its Failure To Preserve Entire Categories Of Highly Relevant Documents.

In a desperate attempt to reduce the severity of the sanctions it faces, Irico points to its production of hard copy documents from its archive that it happened to preserve pursuant to Chinese law. Opp. at 22–23. But these documents do not help Irico's cause. Irico had a duty under U.S. common law and this Court's PTO No. 1 to find and preserve evidence potentially relevant to the subject matter of *this* case. The Chinese laws requiring the preservation of certain documents had nothing to do with the allegations of this case. That is why the documents in Irico's archive are largely worthless. In the recently filed Stipulation and Order Regarding Trial Evidence, ECF No. 6190, IPPs and Irico stipulated to authenticity and business records status of hundreds of documents for use at trial. *See id.*, Appendix. Only a very small number of those documents came from Irico's production. *See id.*, Appendix, at 7–8. Moreover, the fact that Irico happened to preserve some relevant documents in its archive does not excuse the fact that it failed to preserve any of the broad categories of highly relevant documents identified in Plaintiffs' Motion. *See* Mot. at 12–13.

²³ Saveri Decl., Ex. 10 (Jan. 6, 2006 Preliminary Television Market and Industry Research prepared for US EPA) at 7 ("CRTs, continued to account for the vast majority of televisions shipped to North America in 2004. This technology comprised approximately 75% of total shipments In 2005, it is estimated that approximately 64% of the total number of televisions shipped to North America will be CRTs").

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In sum, Irico fails to rebut Plaintiffs' showing that it destroyed entire categories of relevant evidence after its duty to preserve was triggered. The Court should sanction Irico for this and other misconduct described below.

III. Sanctions Are Also Warranted For Irico's Failure To Produce Su Xiaohua For Deposition.

Despite spending ten pages opposing Plaintiffs' motion for sanctions for failing to produce Su Xiaohua for deposition, Irico fails to fully address the questions critical to this sanctions motion: whether Irico knew that Mr. Su planned to resign to avoid being deposed, and what efforts Irico made to secure Mr. Su's attendance at his deposition. Instead, Irico attempts to distract the Court by knocking down straw men arguments and derisively dismissing Plaintiffs' interpretation of the evidence regarding Mr. Su's resignation as "tortured" and "pure speculation." But the record on Mr. Su's resignation is what Irico has chosen to reveal and, once again, Irico is choosing to hide the ball.

A. Irico Fails To Rebut Plaintiffs' Evidence That It Knew Su Xiaohua Would Resign In Order To Avoid Being Deposed.

The Court ordered Irico to produce several broad categories of documents relating to the circumstances surrounding Mr. Su's resignation, and specifically, Irico's awareness of Mr. Su's intent to resign. *See* Su Order at 11–12. Yet, Irico produced *only two* non-privileged documents that mention Mr. Su's resignation: (1) the April 7, 2022 meeting minutes in which Irico gave Mr. Su permission "to leave [his] position ahead of schedule,"²⁴ and (2) Mr. Su's "Resignation Report" dated either March or May 25, 2022,²⁵ in which Mr. Su "appl[ies] for early resignation from [his] position."²⁶ Significantly, Irico never disclosed to Plaintiffs or the Court that it had granted Mr. Su permission in April 2022 to leave his position ahead of schedule.²⁷ As Plaintiffs discussed at length in the

²⁴ *See* Capurro Decl. ¶ 50, Ex. TT.

²⁵ Irico argues that the date on the Resignation Report "plainly shows" a date of May 25, 2022. Opp. at 32, n. 11. Plaintiffs disagree, as set forth in their Motion. Irico fails to explain why Mr. Su would have been "apply[ing] for early resignation" on May 25, 2022 when Irico had already approved his request on April 7, 2022. It is much more logical that he applied for early resignation on March 25, 2022, the application was approved on April 7, 2022, and then he resigned on May 25, 2022. Irico claims it has no metadata for the Resignation Report because Mr. Su provided it to Irico in hard copy.

²⁶ Capurro Decl. ¶ 51, Ex. UU.

²⁷ In fact, in the parties' Joint Statement Re: Legal Consequences of Irico's Failure to Produce Su Xiaohua for a Deposition, ECF No. 6101, which came before the Court compelled Irico to produce documents relating to Mr. Su's resignation, Irico continued to insist that it did not know in April 2022 that Mr. Su intended to resign. *Id.* at 12 ("Even if

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Motion, both of these documents are ambiguous in that they do not state exactly *when* Mr. Su intended to resign.²⁸ But the documents unambiguously show that Mr. Su applied for “early resignation” and that his request was granted on April 7, 2022.

Moreover, consistent with the April 7, 2022 meeting minutes, Irico’s Legal Counsel testified unambiguously under oath that, “[a]t some point *in April*, he [Su Xiaohua] informed us that he was going to leave Irico, and he told us that he was not able to make time to be deposed in this case as a witness.”²⁹ Notably, Irico’s counsel questioned Mr. Yan on redirect about Mr. Su’s resignation and his reasons for not wanting to testify, but Mr. Yan did not change his testimony that Mr. Su told Irico “in April” that he would leave Irico and would not agree to appear at his deposition.³⁰

As noted in the Motion, Mr. Yan has submitted an erratum purporting to change this testimony to “*after April*,” on the grounds that he mis-spoke. This is an improper attempt to rewrite Mr. Yan’s sworn testimony on an important issue in this case. In the Ninth Circuit, Rule 30(e) errata changes are only permitted “for corrective, not contradictory changes and may not be used to rewrite sworn testimony.” *In re Cathode Ray Tube (CRT) Antitrust Litig.*, MDL No. 1917, Master Case No 3:07-cv-05944SC, 2014 WL 12647874, at *2 (N.D. Cal. Dec. 12, 2014) (citing *Hambleton Bros. Lumber Co. v Balkin Enters., Inc.*, 397 F.3d 1217, 1226 (9th Cir 2005) (striking Sharp’s deposition errata as “not merely corrections of transcription errors but rewriting of sworn testimony”). In any event, the change is not credible. Irico fails to acknowledge that Mr. Yan’s testimony that Mr. Su informed Irico “in April” of his intent to resign is corroborated by the April 7, 2022 meeting minutes. Further, “after April” would render the testimony vague and unintelligible. Had Mr. Yan answered in this way during the deposition, Plaintiffs could have asked, “when exactly, after April?”

Irico also dismisses Mr. Yan’s testimony as “misspoken hearsay,” Opp. at 31, but Irico ignores that Mr. Yan did not only testify regarding the date that Irico learned Mr. Su intended to resign; he also testified that Mr. Su “told us that he was not able to make time to be deposed in this case as a witness.” Capurro Decl., Ex. B (Yan Yunlong Dep. Tr. Vol. II) at 230:19–230:22. Even if Mr. Yan’s testimony is changed to “after April,” it still supports Plaintiffs’ position that Irico knew before Mr. Su’s formal resignation on May 25, 2022 that he intended to resign to avoid being deposed, and yet Irico did not inform Plaintiffs of this until June 7, 2022—after securing a further extension of the discovery cutoff and the pretrial schedule. The level of detail that Mr. Yan provided regarding the

Irico *had* known in April that Mr. Su intended to resign as Plaintiffs assert (it did not) . . .”) (emphasis in original).

²⁸ Mot. at 17–18.

²⁹ Capurro Decl., Ex. B (Yan Yunlong Dep. Tr. Vol. II) at 230:16–230:22 (emphasis added).

³⁰ Saveri Decl., Ex. 11 (Yan Yunlong Dep. Tr. Vol. III) at 323:18–324:11.

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reasons for Mr. Su's reluctance to testify³¹ casts further doubt on Irico's implausible claim that Mr. Yan—who has always been closely involved in this litigation on Irico's behalf,³² and is Mr. Zhang's superior³³—lacks personal knowledge regarding Mr. Su's resignation.

In the face of this damning evidence, Irico could have provided additional documents or sworn testimony clarifying the record, or otherwise supporting its position that it believed Mr. Su would not leave Irico until December 2022 and would appear for his deposition. For example, the April 7, 2022 meeting minutes state that administrative paperwork was to be generated relating to Mr. Su's resignation.³⁴ But Irico has never produced any such paperwork or any other documents that definitively show when Mr. Su was supposed to leave Irico. Given that Irico granted Mr. Su's request to leave his position "ahead of schedule," it is difficult to believe that no document exists defining what "ahead of schedule" means.

Instead, Irico resorts to misleadingly quoting the April 7, 2022 meeting minutes by omitting the most important sentence in the minutes. *See* Opp. at 31 (quoting only the portion of the minutes stating that Mr. Su would "leave his position as manager at the end of December 2022 to retire and rest."). Immediately after the sentence quoted by Irico, the minutes state that, **"Because he himself [Mr. Su] submitted a request to leave the position ahead of schedule, after discussion, it has been agreed that Su Xiao Hua may leave the position ahead of schedule** after reaching the upper age for employment." Capurro Decl., Ex. TT at IRI-SU-000139E (emphasis added). Despite Plaintiffs arguing that this language meant Mr. Su was going to leave his position before December 2022 (Mot. at 17–18), Irico fails to even mention it. Irico likewise fails to explain why Mr. Su's "Resignation Report," which Irico asserts Mr. Su submitted on May 25, 2022 at the time

³¹ Saveri Decl., Ex. 12 (Yan Yunlong Dep. Tr. Vol. II) at 230:23–231:2 ("Also, he repeatedly emphasized that he himself personally did not have anything to do with the CRT antitrust litigation, and he did not have any understanding about the circumstances surrounding the situation."). Mr. Yan further testified that the reason Mr. Su did not want to testify was "because of cultural background and the traditions in Chinese society. No one would agree to get themselves involved in such a matter. In the minds of most Chinese people, it's actually not an honorable thing to be involved in lawsuits." *Id.* at 229:17–23.

³² *See* Mot. at 4–5 (describing Yan Yunlong's communications with Irico's former counsel regarding this litigation starting in February 2008); Saveri Decl., Ex. 12 (Yan Yunlong Dep. Tr. Vol. II) at 235:4–236:20 (testifying that he is currently a member of "the working task force, the working group that we formed in order to respond to the CRT antitrust litigation," along with Mr. Zhang and Mr. Wang).

³³ *Id.*, Ex. 13 (Yan Yunlong Dep. Tr. Vol. I) at 92:22–93:4.

³⁴ *See* Capurro Decl., Ex. TT (IRI-SU-000137–40E) at IRI-SU-000139E ("The relevant administrative work regarding Su Xiao Hua leaving the position shall be processed by Irico Industrial based on the relevant rules and stipulations in the 'Performance and Evaluation Measures for Managers or Supervisors of Irico Group Co., Ltd.'").

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of his formal resignation, “*appl[ies]* early resignation.” Capurro Decl., Ex. UU. This makes no sense given that Mr. Su’s application for early resignation had been granted on April 7, 2022. Rather than address these critical questions, Irco engages in its usual bluff and bluster and asks the Court not to follow the “red herring,” vaguely stating, “That approval did not anticipate Mr. Su’s resignation prior to his deposition.” Opp. at 32. But this is unsupported lawyer argument and should be disregarded as such.

Similarly, instead of producing any direct evidence of when Mr. Su and Irco had agreed he would leave, Irco asks the Court to *infer* that Irco did not know Mr. Su’s intentions from the fact that Irco Group’s Legal Department initiated procedures to approve Mr. Su’s travel to Macau, and that Mr. Zhang communicated with him about his visa application during May 2022. *See* Opp. at 32. This falls far short of proving that Irco did not know that Mr. Su intended to resign early to avoid being deposed. At most, these messages show that *Mr. Zhang* may not have known about Mr. Su’s intentions. Of course, that does not mean that others at Irco did not know.

Irco also inexplicably continues to rely on Mr. Zhang’s declarations (ECF Nos. 6027-1, 6036-1) which it argues “completely obviates Mr. Yan’s misspoken testimony (and corroborates his erratum).” Opp. at 31. But the Court has already found that Mr. Zhang’s declarations “cannot be considered ‘reliable evidence’ that Irco only learned of Mr. Su’s decision to depart on May 25, 2022.” Su Order at 9. As the Court noted:

The Zhang Wenkai Declaration speaks only to his personal knowledge, not Irco’s. If Su Xiaohua ‘formally resigned’ on May 25, 2022, he must have taken some actions and submitted written notice of his ‘formal resignation’ to others at Irco. Also, Zhang Wenkai’s declaration fails to state when others at Irco first learned of Su Xiaohua’s informal resignation, his intent to resign and his decision to resign rather than be deposed.

Id. Despite being on notice of the deficiencies the Court identified with Mr. Zhang’s Declarations, Irco has never submitted a further declaration from Mr. Zhang (or anyone else at Irco) attempting to address them. Notably, Mr. Zhang has never attested affirmatively *when* he learned that Mr. Su *intended* to resign, as opposed to when he formally resigned. He has never attested affirmatively that he did not know before May 25, 2022 that Mr. Su intended to resign to avoid being deposed. Mr. Zhang’s Second Declaration—which Irco filed *after* Plaintiffs raised questions about what Irco knew and when about Mr. Su’s resignation—merely states: “Although Su Xiaohua formally resigned from Irco Foshan Flat Panel Display Co., Ltd. . . . on May 25, 2022, I did not learn of Mr. Su’s resignation until May 31, 2022.” ECF No. 6036-1 ¶ 4. Mr. Zhang has also never attested that he believed Mr. Su would appear for his deposition. Mr. Zhang has never attested—and no Irco document shows—when the visa application was actually submitted; before or after Mr. Su resigned. His first declaration states only that he worked with Mr. Su “during the process of applying for the visas necessary to travel to Macau” and that Mr. Su “cooperated during this process.” ECF No. 6027-3. Mr. Zhang’s and Irco’s silence on these critical issues is deafening.

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In sum, Irico’s failure to produce *any* document or witness directly supporting their claim that Mr. Su “snookered” them when he resigned “ahead of schedule”—even though Irico granted him permission to resign ahead of schedule on April 7, 2022—speaks volumes. Irico has failed to rebut Plaintiffs’ evidence that it acted in bad faith in failing to disclose that Mr. Su intended to resign to avoid being deposed while seeking extensions of the pretrial schedule to allow for his deposition.

B. Irico Fails to Rebut Plaintiffs’ Showing That It Violated Two Court Orders.

Irico contends that it never violated a Court order to produce Su Xiaohua because the May 25, 2022 Stipulated Order (ECF No. 6016) (the “May 25 Order”), which required Irico to produce Mr. Su for deposition by June 30, 2022, was superseded by the August 11, 2022 Order. ECF No. 6063 (the “August 11 Order”).³⁵ *See* Opp. at 30. Irico further contends that the August 11 Order was somehow vacated by the August 22, 2022 Stipulation and Order (ECF No. 6056, the “August 22 Stipulation”)—i.e., that Plaintiffs somehow agreed to excuse Mr. Su’s failure to appear. *Id.* Irico’s position is nonsensical.

The May 25 Order required Irico to produce three specifically named witnesses, one of which was Su Xiaohua. The Court denied Irico’s Emergency Motion for Relief from that May 25 Order in its August 11 Order. Nothing in the Court’s August 11 Order excused Irico’s failure to produce Mr. Su by the June 30, 2022 deadline, or suggests that the Court was simply dropping Mr. Su because “Irico had explained that Mr. Su had resigned from Irico.” Opp. at 30. On the contrary, the Court’s August 11 Order required Irico to produce all witnesses by September 9, 2022, and if Irico failed to do so, the parties were instructed to file a document regarding the legal consequence of that failure. Indeed, the Court deliberately used language intended to encompass *all* of Irico’s witnesses, even though it was fully aware of Irico’s position that it no longer controlled Mr. Su because he was no longer an employee of Irico:

If fewer than all of the witnesses identified in these papers testify, then by September 23, 2022, the parties shall either file a document indicating they are nonetheless dropping their dispute or setting forth their competing positions on what the legal consequence is of that witness’ or those witnesses’ failure to appear.

August 11 Order at 14:2–7 (emphasis added). Mr. Su was one of the witnesses identified in the papers, and he did not testify. Accordingly, Irico violated two Court Orders: the May 25 Order *and* the August 11 Order.

Contrary to Irico’s claims, Plaintiffs do not assert that “the August 22 Stipulation bound Irico to produce Mr. Su.” Opp. at 30. This is yet another example of Irico setting up

³⁵ Judge Tigar issued an order from the bench during the August 11, 2022 hearing on Irico’s Emergency Motion for Relief from the Scheduling Order. *See* ECF No. 6063 (Aug. 11, 2022 Hr’g Tr.) at 12:10–14:7.

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and knocking down straw men arguments. As Plaintiffs' Motion makes clear, the August 22 Stipulation did not vacate the August 11 Order requiring Irico to produce Mr. Su by September 9, 2022. There is no mention of Mr. Su in the August 22 Stipulation, or in any of the correspondence relating thereto. The August 22 Stipulation merely changed the dates by which Messrs. Wang and Yan were to appear for deposition. In fact, **the August 22 Stipulation specifically states that all other terms of the August 11 Order remain the same.** See August 22 Stipulation ¶ 7 ("This Stipulation and Order does not modify any other dates or terms of this Court's August 11, 2022 Order except as stated above.").

C. Irico Fails To Demonstrate That It Made Any Effort To Convince Su Xiaohua To Attend His Deposition.

Irico argues that it should escape any consequences for its violation of this Court's Orders because it claims Mr. Su was no longer a managing agent under Irico's control at the time of the depositions. Opp. at 32–33. However, as Irico's own authorities recognize, where, as here, there is a court order compelling a witness' attendance at a deposition, it matters not whether the witness qualifies as a managing agent under the party's control at the time of the depositions. *Sali v. Corona Reg'l Med. Ctr.*, 884 F.3d 1218, 1223 (9th Cir. 2018) ("Rule 37(b)(2)(B) provides for sanctions '[i]f a party fails to comply with an order under Rule 35(a) requiring it to produce another person for [physical or mental] examination.'"). Such an order "compels the party to use its best efforts to secure the nonparty's attendance at the deposition." *Id.* at 1224.

Irico fails to demonstrate that it made any effort to convince Mr. Su to attend his deposition, much less its "best efforts." The only evidence Irico provides of its claimed "determined efforts" to secure Mr. Su's appearance at his deposition are documents showing that the Legal Department initiated internal procedures on May 6, 2022 to approve Mr. Su's travel for his deposition, that Mr. Zhang communicated with him about his visa application. See Opp. at 32. These documents do not show that Irico used "its best efforts" to secure Mr. Su's attendance at his deposition. They merely show that some preparations were made; they do not show that Irico did anything to attempt "to convince" Mr. Su to appear after his resignation, which Irico previously claimed was done.³⁶

Indeed, far from demonstrating Irico's "determined efforts" to produce Mr. Su, Irico's documents show that Irico inexcusably delayed the visa applications for its witnesses, causing the parties to miss opportunities to take the depositions before Covid surges and leading to seriatim extensions of the deadline to depose these witnesses. For example, there is no record of Irico applying for visas for Hong Kong despite the parties agreeing in November 2021 to take the depositions in Hong Kong in December 2021, and

³⁶ See ECF No. 6101 at 9 ("When Irico's in-house counsel learned of Mr. Su's resignation on May 31, 2022, Irico tried to convince Mr. Su to reverse his decision . . ."). Clearly, despite the Court's order to do so, Irico was unable to produce any evidence of this.

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then being ordered to take them by March 18, 2022.³⁷ Similarly, after the Court ordered Irico to produce Mr. Su and the other witnesses in Macau by May 31, 2022,³⁸ Irico's Legal Department did not seek approval from Irico's leadership to apply for visas to Macau until May 6, 2022, which approval was granted on May 9, 2022.³⁹ In other words, despite repeatedly telling Plaintiffs and the Court about "the complexity of obtaining visas," Opp. at 28, Irico did *nothing* to apply for the Macau visas for seven weeks after the Court's Order. These documents also show, moreover, that when Irico induced Plaintiffs to stipulate on May 20, 2022 to a *third* extension of time to take Mr. Su's deposition (ECF No. 6015), Irico had not even received Mr. Su's required passport photos, and thus had not yet applied for his Macau visa.⁴⁰

³⁷ In November 2021, the parties agreed to take the depositions of Messrs. Wang and Su in Hong Kong in December 2021. Saveri Decl. ¶ 15, Ex. 15 (Nov. 18, 2021 letter). Due to there being a small number of Covid cases in Hong Kong in early December 2021, Messrs. Su and Wang refused to travel to Hong Kong, *id.*, Ex. 16 (Dec. 3, 2021 letter), and the Court extended the deadline to take the depositions to March 18, 2022. ECF No. 5980. Irico's records show that its Legal Department waited until January 19, 2022 to request approval from Irico leadership to apply for visas for Hong Kong. *See* Saveri Decl., Ex. 17 (IRI-SU-000129E). Irico then delayed another 28 days until February 17, 2022 before approving the request to start the visa application process. *Id.*, Ex. 18 (IRI-SU-000130E). On February 24, 2022, after repeated inquiries from Plaintiffs, Irico's counsel informed Plaintiffs that the Customs Office had informed Irico that no visas could be issued due to rising Omicron cases. *Id.* ¶ 12, Ex. 19 (Feb. 24, 2022 letter). But there is no record that Irico ever applied for visas for Hong Kong. *Id.* ¶ 21.

³⁸ *See* ECF No. 5999. In a letter to Plaintiffs dated March 15, 2022, Irico's counsel wrote: "As we have been discussing, the depositions of Mr. Wang Zhaojie and Mr. Su Xiaohua in Hong Kong cannot occur as planned prior to March 18, 2022 due to the ongoing COVID-19 emergency situation in Hong Kong . . . Irico's goal . . . is to produce the three witnesses in Macau **by the end of May. Irico is currently working on submitting applications for travel to Macau** to governmental authorities, and we will provide you a further update in the next two weeks." Saveri Decl., Ex. 20 (emphasis added).

³⁹ *See* Carter Decl., Ex. J (IRI-SU-000132E).

⁴⁰ By email dated May 18, 2022, Irico's counsel informed Plaintiffs that, "The process continues to move forward. The last report that we received was that **the client expects to receive the Visa approvals next week.**" Saveri Decl., Ex. 22 (May 18, 2022 email) (emphasis added). Irico's documents show they did not even receive Su's required passport photos until May 24, 2022. *See* Carter Decl., Ex. K (IRI-SU-000103-28E) at IRI-SU-000125-28E. In addition, in a meet and confer call on April 26, 2022, Irico's counsel had informed Plaintiffs that as of that date, "[a] law firm in Macao ha[d] issued invitation letters to the witnesses which have been finalized and sent. They are in a mail quarantine facility from which they are expected to be released by April 30. It will take 10-14 days for the visa applications to the processed, thus the earliest Irico would produce the witnesses is Monday, May 16." Saveri Decl., Ex. 21 (April 26, 2022 letter). Irico's documents show

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Thus, Irico's delays, coupled with false representations to Plaintiffs around that time, ensured that Mr. Su's visa would not be issued until well *after* his early resignation on May 25, 2022. Taken together with the documents showing that Mr. Su was granted permission to resign "ahead of schedule" on April 7, 2022, Irico's documents support Plaintiffs' position that Irico was not operating in good faith when it sought and received a further extension of the deadline to produce Mr. Su for deposition on May 20, 2022 (ECF No. 6016), and fall far short of demonstrating that Irico "used its best efforts" to secure Mr. Su's appearance at his deposition. Accordingly, Irico should be sanctioned for its failure to produce Mr. Su for deposition, in violation of two Court Orders.

Irico argues that neither terminating sanctions nor alternative sanctions are appropriate, and that the only consequence for misleading Plaintiffs and the Court, delaying this case for another year, and ultimately failing to produce Mr. Su in violation of two Court Orders, should be that Mr. Su should not be allowed to testify at trial. Opp. at 36. But this would amount to no consequence at all given that Irico has no intention of bringing Mr. Su (or any other witnesses) to trial.

As set forth in Section VI.A below, Plaintiffs seek terminating sanctions for Irico's conduct as a whole, not only for its failure to produce Mr. Su. But even standing alone, Irico's misconduct in failing to produce Mr. Su warrants severe sanctions. Courts have awarded severe sanctions such as adverse inference instructions and striking affirmative defenses under similar circumstances.⁴¹

IV. Irico Misrepresented the Circumstances of Its Withdrawal In Connection With Its Motion to Lift Default.

The evidence shows that Irico's representation to the Court that its withdrawal from the litigation was based on a good faith belief that it was "immune from suit" under the FSIA was false. ECF No. 5215-1 ¶ 5. *See also id.* (Irico's withdrawal was not done for any purpose of "manipulating the legal process.").

that Irico's Legal Department had not even requested permission to apply for the visas at this point. *See* Carter Decl., Ex. T (IRI-SU-000131E).

⁴¹ *See, e.g., SEC v. Zhuobin Hong*, No. CV 20-04080-MCS (RAOx), 2021 U.S. Dist. LEXIS 202468, at *22–23 (C.D. Cal. Sep. 17, 2021) (granting an adverse inference instruction, denying summary judgment, prohibiting the witnesses from appearing at trial, and prohibiting defendants from using witnesses' testimony, documents, or interrogatory responses in support of their defenses, including at trial); *Estate of Boyles v. Gree USA, Inc.*, No. 1:20-CV-276, 2021 U.S. Dist. LEXIS 151632, at *4 (M.D.N.C. Aug. 12, 2021) (striking defendants' affirmative defenses and prohibiting them from offering any evidence at trial, beyond cross-examining the plaintiffs' witnesses); *Card Tech. Corp. v. DataCard Inc.*, 249 F.R.D. 567 (D. Minn. 2008) (awarding serious issue sanctions pursuant to Rule 37(b)(2) against a plaintiff that violated an order to produce a witness for a deposition).

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First, as explained in the Motion (at 20–21), contrary to Zhang’s declaration, General Counsel Yan’s testimony establishes that Irco’s withdrawal was tactical and not based on a good faith belief in FSIA immunity. Despite repeated opportunities, nowhere does he even mention sovereign immunity. *Id.* Irco’s half-hearted attempt to argue that his testimony indicates a belief in a “jurisdictional” defense and is therefore “consistent” with a belief in immunity is simply not what he said. *See Opp.* at 39–40.

Second, Irco fails to offer any evidence in support of its assertions that Mr. Zhang’s (and Irco’s) representations to the Court were true, even though it should be well-within Irco’s power to provide. *See Opp.* at 39. Mr. Yan, a member of the Litigation Committee, has percipient knowledge of the reasons for the withdrawal, and has not been shy—to say the least—about submitting declarations “clarifying” his testimony. This failure compels the conclusion that he cannot truthfully do so, and, therefore, that Mr. Zhang’s declaration was false. This gap in the evidence is all the more acute because, as Irco is well-aware, Mr. Zhang has no personal knowledge of Irco’s withdrawal because his employment did not begin until 2017. Indeed, Judge Tigar upheld DPPs’ objection to his declaration on this ground. ECF No. 5240 at 5–6. Judge Tigar only considered Mr. Zhang’s claim because of the unique standards applicable to a motion to lift a default, which are inapplicable here. *Id.* at 19 n.7.

Third, the fact that Irco’s weak arguments in support of FSIA immunity were colorable is beside the point. The question is why Irco withdrew. *See Opp.* at 39. Irco’s assertion that the issue was “resolved long ago without mention of sanctions” is also beside the point because—as the evidence now shows—the Court relied on the false testimony proffered by Irco. *See Opp.* at 38–39.

Finally, Irco’s assertion that Plaintiffs have waited too long to raise this issue fails. *See Opp.* at 37. As explained below, it is proper for the Court to consider past conduct on a sanctions motion. In addition, Plaintiffs did not delay raising this issue. Plaintiffs were not able to obtain Mr. Yan’s testimony until the end of September last year, approximately two months before the Court’s request for sanctions motions “for any discovery misconduct throughout the history of this case.” Su Order at 7. Indeed, Mr. Yan had not finished “correcting” and supplementing his testimony until November 11, 2022. *See Capurro Decl.*, Ex. QQ (Yan deposition errata).

V. Irco’s Other Refusals To Comply With Court Orders.

Irco attempts to dismiss its refusals to comply with the Court’s discovery orders, and other wrongful conduct, as “old news” and irrelevant to this motion. This is incorrect. It is entirely proper for the Court to consider Irco’s conduct. In addition, Irco’s feeble attempts to explain away its conduct fail. For the most part, Irco does not take meaningful issue with Plaintiffs’ descriptions of its conduct.

First, it is indisputable that Irco violated the Court’s order when it refused to provide complete responses to Interrogatories Nos. 4 & 5 requiring it to identify meetings

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and/or agreements with competitors. Irico's arguments that it acted properly mischaracterize the Order (*see* ECF No. 5919 at 5 requiring "full responses" by May 10, 2021) and ignore the Court's clear statement that Irico's responses were "plainly deficient." *See* Opp. at 45; Mot. at 21. Irico insists that it could not in good faith acknowledge the bulk of its myriad meetings or any of its agreements with its competitors (as documented in the notes of other defendants) because of a lack of institutional memory due to the passage of time. But we now know that Irico was concealing its widespread spoliation of documents in yet another conscious and deliberate flouting of the Court's order and its discovery obligations. Again, this conduct calls for the severest of sanctions.

Civil Local Rule 7-8(c)'s requirement that a sanctions motions be made "as soon as practicable after the filing party learns of the circumstance that it alleges make the motion appropriate" does not protect Irico from the consequences of its wrongful conduct. A key aspect to understanding Irico's wrongful conduct—its intentional spoliation of evidence—has only recently been revealed. Furthermore, nothing in Civil Local Rule 7-8(c) precludes a Court from considering a party's prior conduct in connection with a motion for sanctions. *See id.* Indeed, such a rule would be illogical. *See, e.g., WeRide*, 2020 WL 1967209, at *13 (relying on "prior inaccurate representations to the Court" it had relied on previously); *In Google LLC v. Starovikov*, No. 21cv10260-DLC, 2022 U.S. Dist. LEXIS 207437, 2022 WL 16948296, at *6 (S.D.N.Y. Nov. 15, 2022) (considering representations made in connection with lifting of default). Indeed, Irico concedes this point by asking the Court to consider its prior behavior herein. *See, e.g.,* Opp. at 22 ("Since 2017, Irico has participated in good faith in discovery . . .").⁴²

Second, Irico essentially concedes—as it must—that during jurisdictional discovery it violated the Court's order compelling it to produce documents relating to certain competitor meetings, U.S. sales, and documents reviewed by Zhang Wenkai in connection with his (false) declaration submitted to the Court. Mot. at 21. Irico's attempt to characterize its conduct as a mere dispute over "*the level of detail*" of its responses (Opp. at 40) (emphasis in original) is laughable. Irico ignores (1) that Plaintiffs were required to bring a motion to compel compliance with a prior order of the Court; (2) that the Court granted it; and (3) the plain language of the enforcement order. *See, e.g.,* ECF No. 5352 at 7 ("Here, the 8/2/2018 Order expressly requires Irico to produce the documents—not to make the documents available for inspection.").

⁴² The cases Irico relies on also do not support its broad assertions. *Siebert v. Gene Security Network, Inc.*, No. 11-cv-01987-JST, 2014 U.S. Dist. LEXIS 157284, 2014 WL 5808755 (N.D. Cal. Nov. 6, 2014) involved a minor dispute about attendance at a mediation. After holding that the factual predicate for the motion was not substantiated, the Court also noted that the motion was untimely under Civ. L.R. 7-8(c). 2014 WL 5808755, at *2. *Perdana Capital (Labuan) Inc. v. Chowdry*, No. CV 09-01479 RS, 2012 WL 13075527 (N.D. Cal. July 3, 2012), involved a motion filed after summary judgment had been granted based on a grab bag of minor transgressions, many of which were unsubstantiated. 2012 WL 13075527, at *2.

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Third, Irico also concedes that it withheld records showing travel by the Irico personnel identified in the notes of seven of the “26 meetings” to the locations of the meetings on or around the time of the meetings despite being ordered by the Court in both its initial order as well as the enforcement order to produce documents relating to those meetings, and despite submitting a declaration from General Counsel Yan that Irico had not found “any responsive documents.” ECF No. 5324 (first order); ECF No. 5352 (enforcement order); Capurro Decl., Ex. AAA (Yan Decl. ISO Irico’s Third Suppl. Objs. & Resps. to DPP Studio Spectrum, Inc.’s RFPs) ¶ 3; Mot. at 21.

Irico’s defense of this conduct fails. Opp. at 42–43. It amounts to a contention that it was entitled to decide that travel records for employees that matched the identities, locations and times of competitor meetings documented by other defendants were not “related” to those meetings based solely on a cynical, self-serving and patently incorrect claim that it could not “confirm” that the employee in question actually attended the meeting. Irico’s withholding of these records is yet another instance of its conscious and purposeful disregard of the Court’s orders and its discovery obligations and supports the imposition of severe sanctions.

VI. The Court Should Impose Terminating Or Other Severe Sanctions.

Plaintiffs have requested that the Court strike Irico’s answers. *See* Mot. at 2, 29–33. Irico’s position that the Court should impose no sanctions—except possibly a weak spoliation instruction and monetary sanctions—is without merit. *See* Opp. at 44. Irico’s principal argument is that its conduct simply does not rise to a level justifying sanctions. As explained above, however, Irico’s conduct has been flagrant and has run the gamut from intentional destruction of critical evidence, refusals to produce discovery and key witnesses in violation of Court orders, and repeated misrepresentations to the Court of material facts relating to the foregoing as well as other important issues. Plaintiffs respectfully submit that Irico’s misconduct requires the imposition of terminating or other severe sanctions. There is no question that such sanctions are within the Court’s discretion. *See* Mot. at 23–27. Absent such sanctions, Irico will profit from its wrongdoing because Irico’s defenses depend on the gaps in the evidence its wrongful conduct has created and could diminish Plaintiffs’ recoveries herein, regardless of other evidence. In addition, such an outcome would undermine the important policy of deterrence—indeed, it is likely that this case would become a roadmap for future litigants to destroy evidence and otherwise subvert the discovery process if Irico is able to avoid severe sanctions.

A. Terminating Sanctions.

Irico’s arguments against the imposition of terminating sanctions lack merit.⁴³ Again, Irico’s primary argument is simply to assert that it has done little or nothing wrong.

⁴³ In a throwaway footnote that does not cite a single case, Opp. at 3–4 n.2, Irico argues that the Special Master lacks the authority to grant or recommend terminating sanctions against Irico Group because 28 U.S.C. § 1608(e) prohibits the entry of default against an

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Apart from that, however, Irico fails to meaningfully address the factors the Ninth Circuit has identified as determinative of the issue. *See* Mot. at 30–33.

First, Irico fails to even address the first two factors—the expeditious resolution of litigation and the Court’s need to manage its docket. Mot. at 30. It therefore concedes that these factors favor terminating sanctions. Moreover, as Plaintiffs explained, these factors weigh heavily in this case in light of the extreme delays Irico’s conduct has inarguably caused, not to mention the numerous orders it has ignored, and its myriad misrepresentations to the Court. *See* Mot. at 30.

As to the third factor—prejudice—Irico’s argument that Plaintiffs have not suffered any prejudice is yet another refusal to acknowledge the obvious. Irico does not deign to even address the clear prejudice Plaintiffs explained in the Motion. *See* Mot. at 28–32. Its argument that the existence of other evidence supporting Plaintiffs’ allegations excuses its conduct—or at least deprives the Court of the ability to sanction Irico for it—is patently incorrect. Nor does it address the injustice of allowing it to profit at Plaintiffs’ expense from its wrongdoing by presenting defenses—and thereby limiting its liability—that depend on the loss of evidence it has engineered.

As detailed above, Irico’s purposeful misconduct has destroyed or put beyond the reach of Plaintiffs virtually all of the evidence formerly in its possession relating to the core issue in the case—its participation in the alleged conspiracy. Irico ignores the evidence—and the Court’s previous findings—that its failure to implement a proper litigation hold resulted in the destruction and/or loss of virtually all of the documentary evidence in its possession relating to (1) its attendance at over 100 conspiratorial meetings, including its internal communications; (2) the pricing and sales of its CRTs during the conspiracy; (3) the production of CRTs during the conspiracy; (4) and much more.

Irico also cannot dispute that its tactical withdrawal from the case for over seven years, and other Irico-engineered delays, resulted in the unavailability for deposition of virtually all Irico witnesses with knowledge of the core issues. For example, Irico produced only one witness—out of more than twenty—with knowledge of its attendance at conspiratorial meetings. Saveri Decl. ¶ 25. The three witnesses it has produced who were at Irico during the alleged conspiracy relied heavily on the passage of time to deny any specific recollection of relevant facts. Thus, for example, Mr. Wang—who apparently

instrumentality of a foreign government without an evidentiary determination on both liability and damages. At this time, Plaintiffs are seeking an order striking Irico Group’s answer. The entry of a default judgment would await further proceedings. Furthermore, under § 1608(e), Plaintiffs need only “establish their claim or right to relief by evidence satisfactory to the court.” The statute *does not* require the Court to conduct a formal evidentiary hearing or make explicit findings, as long as Plaintiffs have provided sufficient evidence in support of their claims to make that determination. *Commercial Bank of Kuwait v. Rafidain Bank*, 15 F.3d 238, 242 (2d Cir. 1994). Plaintiffs have already done so.

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attended at least 18 competitor meetings—disclaimed any recollection of any of them.⁴⁴ The only other potential witnesses besides Mr. Wang with percipient knowledge of Irico's attendance at competitor meetings—Messrs. Su and Guo—refused to testify. The bottom line is that Irico has produced no witnesses able to testify to any significant percipient knowledge of Irico's attendance at conspiratorial meetings.

Additionally, Irico does not take issue with the fact that its defenses exploit and depend on the very gaps in the evidence—and the false and misleading testimony these gaps enable—that it has wrongfully created. For example:

- Irico denies attending over 90 conspiratorial meetings it is documented to have attended in the notes of other Defendants. Irico produced virtually no evidence relevant to these meetings, and explicitly relied on the lack of evidence or institutional memory in its responses to interrogatories requiring it to list all such meetings with competitors. Capurro Decl., Ex. Y at 8, 12–13.⁴⁵
- Irico denies ever agreeing to fix prices or limit production. *See, e.g.*, ECF No. 5874 (Irico Group Answer to DPPs' Consolidated Am. Compl.) ¶ 138; ECF No. 5875 (Irico Group Answer to IPPs' 5th Consolidated Am. Compl.) ¶ 142. Again, Irico produced very little evidence relating to this issue, and relies on a lack of evidence or institutional memory in its responses to interrogatories requiring it to list all such agreements. Saveri Decl., Ex. 23 (Irico's Second Suppl. Objs. & Resps. to DPPs' First Set Interrogs.).
- Irico denies ever implementing conspiratorial price increases. *See, e.g.*, ECF No. 5874 ¶ 138; ECF No. 5875 ¶ 142. Irico has not produced pricing reports, internal communications relating to pricing or other relevant evidence. Nor has it produced a single witness identified as possessing pricing authority during the class period, except Mr. Wang, who disclaimed knowledge. *See* Saveri Decl., Ex. 24 (Wang Zhaojie 2019 Dep. Tr. Vol. III) at 67:18–69:7.
- Irico denies ever implementing conspiratorial production cuts. *See, e.g.*, ECF No. 5874 ¶ 138; ECF No. 5875 ¶ 201. The only witness it has produced with percipient knowledge (Li Miao) claims a lack of recall. Saveri Decl., Ex. 25 (Li Miao Dep. Tr. Vol. II) at 157:22–164:4. Irico has not produced production reports, internal communications or other relevant evidence.

⁴⁴ As Plaintiffs have noted, Mr. Wang invoked a lack of recollection or knowledge over 300 times in his testimony. ECF Nos. 6101 at 5 n.15, 6101 ¶ 7.

⁴⁵ Irico did eventually produce some records showing travel by Irico personnel consistent with attendance at meetings. *See* Capurro Dec., Ex. Y at 11–13. In most cases, however, Irico has continued to maintain that these records are insufficient to establish their attendance at a particular meeting, and, indeed, as noted above apparently withheld producing them on that ground. *See id.*

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- Irico asserts that various passages from the meeting notes of other Defendants show that it was a “disruptor” not a conspirator. *See, e.g.*, ECF No. 5989 (Irico’s opposition to DPPs’ class certification motion) at 6–7. Again, Irico has not produced any internal documents or percipient testimony relevant to these issues.
- Irico asserts that the Chinese Government implemented price floors that would have prevented lower prices. It has produced no internal pricing documents or testimony that such issues were considered or were a material part of its pricing. Mot. at 31–32. Mr. Su—identified as having knowledge of the issue—refused to testify.⁴⁶

Finally, regardless of how Plaintiffs have characterized their case in the past, Irico’s defenses have the potential to reduce its liability. To the extent they do, it is inarguable that Plaintiffs will have suffered severe prejudice and that Irico will have profited by its misconduct.⁴⁷ Again, Irico does not even address this issue.

Irico’s main argument—that because Plaintiffs have other evidence of Irico’s participation in the conspiracy, there can be no “severe” prejudice—lacks merit. In addition to ignoring the clear prejudice described above, it is unsupported by authority, and contrary to common sense. Irico cites no case for the proposition that the intentional destruction of evidence is excused by the presence of other evidence. *See* Opp. at 24. Instead, Irico conflates the question of an appropriate remedy with the existence of prejudice—i.e., what the prejudice in a particular case justifies. *See id.*

⁴⁶ As noted in the Motion, at 15 n.61, Mr. Su was identified as a person with knowledge of three affirmative defenses as to IPPs. *See* ECF No. 6032-1 ¶ 2, Ex. A (describing Irico’s interrogatory responses identifying Mr. Su as knowledgeable about Irico’s Third, Eighth and Tenth Affirmative Defenses, and attaching responses), & ¶ 11, Ex. J (describing Irico’s interrogatory responses identifying Mr. Su as knowledgeable about Irico’s meetings and communications with competitors and attaching responses). Irico asserts similar affirmative defenses as to DPPs.

⁴⁷ This is also true to the extent it reduces the value of Plaintiffs’ cases in settlement. As Judge Chhabria recently noted in a Facebook case:

Or was Facebook, with the assistance of its lawyers, executing a different play from the playbook: resist discovery as long as possible, make things increasingly difficult and expensive and frustrating for the opposition, and hope that would drive down the case’s settlement value? This is, by far, the most likely explanation for Facebook and Gibson Dunn’s conduct.

In re Facebook, Inc. Consumer Priv. User Profile Litig., No. 18-MD-02843-VC, 2023 WL 1871107, at *28 (N.D. Cal. Feb. 9, 2023).

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Irico's simplistic argument would give it license to engage in no end of wrongful conduct. It also ignores other factors relevant to a choice of sanction such as deterrence and preventing a wrongdoer from profiting from its misdeeds.

Finally, Irico's assertion that any prejudice to Plaintiffs is speculative also lacks merit. Irico offers no reason to believe that the lost evidence would not assist Plaintiffs, except to wrongfully assert, as explained above, that only minimal amounts of evidence were lost. In fact, in light of the content of the meeting notes produced by other Defendants, it is likely that Irico's internal communications regarding the competitor meetings would be highly probative of its participation in the conspiracy. Further, the record is replete with examples of false and misleading testimony by Irico personnel in situations where Irico expected Plaintiffs to be unable to offer an effective rebuttal.

Thus, for example, one of Irico's principal assertions is that its products were not sold directly or indirectly in the United States. Among other things, Irico relied on this assertion to argue that it is not liable as a matter of law.

Plaintiffs know now that this assertion was false—despite Irico's continued insistence to the contrary—because, in this instance, Irico's belief that Plaintiffs lacked access to evidence to contradict its assertions was mistaken. Among other things, Irico inadvertently produced export records (which it attempted to claw back) showing sales to the United States, including to its U.S. sales company Irico (USA) Inc. *See, e.g.*, ECF No. 5640 at 12–14. Additionally, a handful of Irico sales department weekly reports were produced in discovery because Irico had provided them to its alleged co-conspirators. *See* Mot. at 13–14. These reports demonstrated that Irico sales personnel were well aware that Irico tubes were being used in televisions intended for sale in the United States, among other things. *Id.* at 14.

Similarly, as detailed in the Motion and above, Irico's lies about its document preservation efforts only came to light as a result of a Court order after years of efforts by Plaintiffs.

Finally, as to the fourth and fifth factors, Irico emphasizes the Court's obligation to implement the least drastic sanction possible and insists that the case can still be tried because there is other evidence of Irico's participation in the conspiracy. *See* Opp. at 5, 12–13, 22–24. However, the question is not whether Plaintiffs have other evidence of Irico's wrongdoing; it is whether alternative sanctions will effectively address the prejudice caused by Irico's wrongful conduct. *See, e.g., WeRide*, 2020 WL 1967209, at *11 (jury instruction insufficient to overcome large scale spoliation); Mot. at 32. Irico's opposition is devoid of any discussion of how lesser sanctions can address the fact that its defenses all depend on the gaps in the evidence it has wrongfully created. Irico also does not address the fact that it was clearly warned by its counsel of the consequences of spoliating evidence, its disregard of the Court's orders, or its many misrepresentations to the Court. *See* Mot. at 32–33. Indeed, if the Court finds that Irico's representations regarding its purported misunderstanding of its obligations to preserve evidence, the reasons for its extraordinary

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withdrawal from the case, and the circumstances of Mr. Su's refusal to testify were knowingly false, the magnitude of Irico's wrongdoing is truly breathtaking.

Plaintiffs respectfully submit that the Court should strike the Irico Defendants' Answers.

B. Alternative Sanctions.

If the Court declines to enter terminating sanctions, Plaintiffs respectfully submit it should impose the evidentiary sanctions outlined in the Motion—including (1) deeming Irico's agreements to fix prices and reduce production and its attendance at competitor meetings established as set forth in the meeting notes of other defendants; and (2) prohibiting Irico from offering evidence or argument to controvert the evidence of its participation in the conspiracy. The Court should also strike Irico's affirmative defenses.

As Plaintiffs have explained, while these alternatives will not completely remedy the pervasive prejudice Irico's conduct has caused, they will ameliorate it. *See* Mot. at 33–35. Irico fails to meaningfully address any of these proposed sanctions, much less offer reasons why they are improper or unfair, except to assert that they are disproportionately harsh, given its conduct. But this requires the Court to accept that its conduct is essentially innocent. *See* Opp. at 45–46. Irico's suggestion that these sanctions are little different from a terminating sanction is also incorrect. Substantial issues—including impact and damages—would still remain to be tried. As explained in the Motion, Judge Tigar imposed a similar sanction in the *InternMatch* case, where—as here—the sanctioned party had destroyed evidence relating to a dispositive issue in the case. Mot. at 32; *see InternMatch*, 2016 WL 491483, at *13–14.

In addition to the foregoing, the Court should also order that all documents produced by Irico, as well as all meeting notes produced by other defendants, should be deemed authentic and admissible. *See* Mot. at 33–36; 2–3. While this will not expand the universe of admissible documents substantially because—as demonstrated by the Court's determinations regarding the admissibility of the meeting notes showing Irico's involvement in the conspiracy—the bulk of these documents would likely be found to be admissible, it will save Plaintiffs (and the Court) substantial time and effort.

Finally, the jury should be instructed that Irico has destroyed evidence of its participation in the conspiracy and refused to make witnesses available for deposition, and that it must infer that the lost documentary evidence and testimony would have been unfavorable to it. Mot. at 34–35.

VII. Conclusion

For the foregoing reasons, Plaintiffs respectfully request that Your Honor grant this motion and impose either terminating or the alternative sanctions set forth above.

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Very truly yours,

/s/ R. Alexander Saveri

R. Alexander Saveri
Lead Counsel for Direct Purchaser Plaintiffs

/s/ Lauren C. Capurro

Lauren C. Capurro
Lead Counsel for Indirect Purchaser Plaintiffs

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DOCUMENT 11

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8 *Lead Counsel for Direct Purchaser Plaintiffs*

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13 IN RE: CATHODE RAY TUBE (CRT)
14 ANTITRUST LITIGATION

Master File No. 07-CV-5944-JST

MDL No. 1917

15 This Document Relates to:

16 *ALL DIRECT PURCHASER ACTIONS*

17 *ALL INDIRECT PURCHASER ACTIONS*
18
19
20

**DECLARATION OF R. ALEXANDER
SAVERI IN SUPPORT OF PLAINTIFFS'
REPLY BRIEF IN SUPPORT OF MOTION
FOR TERMINATING OR ALTERNATIVE
SANCTIONS AGAINST DEFENDANTS
IRICO GROUP CORP. AND IRICO
DISPLAY DEVICES CO., LTD.**

Special Master: Hon. Vaughn R. Walker (Ret.)

1 I, R. Alexander Saveri, declare:

2 1. I am the Managing Partner of Saveri & Saveri, Inc., Lead Counsel for Direct
3 Purchaser Plaintiffs (“DPPs”) in this action. I am a member of the Bar of the State of California
4 and admitted to practice in the Northern District of California. I have been involved in virtually
5 every aspect of this case from its outset in 2007. I make this Declaration in Support of Plaintiffs’
6 Reply Brief in Support of Their Motion for Terminating or Alternative Sanctions Against
7 Defendants Irico Group Corporation and Irico Display Devices Co., Ltd. Except as otherwise
8 stated, I have personal knowledge of the facts stated below.

9 2. Attached hereto as Exhibit 1 is a true and correct copy of a document produced in
10 this litigation by BMCC bearing the Bates numbers BMCC-CRT000105586 through BMCC-
11 CRT000105590, and a certified translation thereof.

12 3. Attached hereto as Exhibit 2 is a true and correct copy of a document produced in
13 this litigation by Chunghwa bearing the Bates numbers CHU00047657 through CHU00047674,
14 and a certified translation thereof. It was marked as Deposition Exhibit 8570.

15 4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of a document
16 produced in this litigation by Irico bearing the Bates numbers IRI-CRT-00000232 through IRI-
17 CRT-00000321, and a certified translation thereof. It was Exhibit 2 to the Declaration of Stuart C.
18 Plunkett in Support of Irico Defendants’ Motions to Dismiss for Lack of Subject Matter
19 Jurisdiction, dated July 18, 2018. The excerpted exhibit hereto was excerpted from ECF No. 5312-
20 5 and marked as Deposition Exhibit 8418.

21 5. Attached hereto as Exhibit 4 is a true and correct copy of a document entitled
22 “IRICO Won the Anti-Dumping Case” downloaded from the People’s Daily website, dated
23 November 20, 2000, and a certified translation thereof. It was marked as Deposition Exhibit 8396.

24 6. Attached hereto as Exhibit 5 is a true and correct copy of a document produced in
25 this litigation by Irico bearing the Bates numbers IRI-CRT-00003490 through IRI-CRT-00003497,
26 and a certified translation thereof. It was marked as Deposition Exhibit 8392.

27 7. Attached hereto as Exhibit 6 is a true and correct copy of a document produced in
28 this litigation by BMCC bearing the Bates numbers BMCC-CRT000127966 through BMCC-

1 CRT000127969.

2 8. Attached hereto as Exhibit 7 is a true and correct copy of a document produced in
3 this litigation by BMCC bearing the Bates number BMCC-CRT000314540.

4 9. Attached hereto as Exhibit 8 is a true and correct copy of a document produced in
5 this litigation by BMCC bearing the Bates number BMCC-CRT000296385.

6 10. Attached hereto as Exhibit 9 is a true and correct copy of a document produced in
7 this litigation by Chunghwa bearing the Bates numbers CHU00030303 through CHU00030304. It
8 was marked as Deposition Exhibit 8584.

9 11. Attached hereto as Exhibit 10 is a true and correct copy of a document entitled
10 “Preliminary Television Market and Industry Research,” dated January 6, 2006. It was downloaded
11 from the Internet at:
12 [https://www.energystar.gov/ia/partners/prod_development/revisions/downloads/tv_vcr/Preliminary](https://www.energystar.gov/ia/partners/prod_development/revisions/downloads/tv_vcr/Preliminary_TV_Market_Research012006.pdf)
13 [_TV_Market_Research012006.pdf](https://www.energystar.gov/ia/partners/prod_development/revisions/downloads/tv_vcr/Preliminary_TV_Market_Research012006.pdf).

14 12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts of the transcript
15 of the third day of the deposition of Yan Yunlong on September 29, 2022 (“Yan Yunlong Dep. Tr.
16 Vol. III”).

17 13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts of the transcript
18 of the second day of the deposition of Yan Yunlong on September 28, 2022 (“Yan Yunlong Dep.
19 Tr. Vol. II”).

20 14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of the transcript
21 of the first day of the deposition of Yan Yunlong on September 27, 2022 (“Yan Yunlong Dep. Tr.
22 Vol. I”).

23 15. In November 2021, the parties agreed to take the depositions of Messrs. Wang and
24 Su via videoconference from Hong Kong in December 2021.

25 16. Attached hereto as Exhibit 14 is a true and correct copy of a letter dated November
26 16, 2021, from me and Lauren Capurro of Trump, Alioto, Trump & Prescott, LLP, Lead Counsel
27 for Indirect Purchaser Plaintiffs, to Evan J. Werbel of Baker Botts LLP, counsel for the Irco
28 Defendants.

1 17. Attached hereto as Exhibit 15 is a true and correct copy of a letter dated November
2 18, 2021, from Mr. Werbel to me and Ms. Capurro.

3 18. Attached hereto as Exhibit 16 is a true and correct copy of a letter dated December
4 3, 2021, from Mr. Werbel to me and Ms. Capurro.

5 19. Attached hereto as Exhibit 17 is a true and correct copy of a document produced in
6 this litigation by Irico bearing the Bates number IRI-SU-000129, and a certified translation thereof.

7 20. Attached hereto as Exhibit 18 is a true and correct copy of a document produced in
8 this litigation by Irico bearing the Bates number IRI-SU-000130, and a certified translation thereof.

9 21. Attached hereto as Exhibit 19 is a true and correct copy of a letter dated February
10 24, 2022, from Mr. Werbel to me and Ms. Capurro. In this letter, Mr. Werbel indicated that the
11 Customs Office had informed Irico that no visas could be issued due to rising Omicron cases.
12 However, I am not aware of any documents reflecting that Irico ever applied for visas for Hong
13 Kong that were included in Irico's document production on December 20, 2022, made pursuant to
14 the Court's December 6, 2022, Order Adopting Special Master's Report & Recommendation on
15 Irico's Failure to Produce Su Xiaohua for Deposition (ECF No. 6115).

16 22. Attached hereto as Exhibit 20 is a true and correct copy of a letter dated March 15,
17 2022, from Mr. Werbel to me and Ms. Capurro.

18 23. Attached hereto as Exhibit 21 is a true and correct copy of a letter dated April 26,
19 2022, from me and Ms. Capurro to Mr. Werbel.

20 24. Attached hereto as Exhibit 22 is a true and correct copy of an email I received from
21 Mr. Werbel to Matthew Heaphy of my firm, dated May 18, 2022.

22 25. I am informed by attorneys at my firm working under my supervision that, based on
23 a review of the meeting notes produced by other defendants, more than twenty Irico employees
24 attended conspiratorial meetings.

25 26. Attached hereto as Exhibit 23 is a true and correct copy of the Irico Defendants'
26 Second Supplemental Objections and Responses to DPPs' First Set of Interrogatories, dated May 3,
27 2021.

28 27. Attached hereto as Exhibit 24 is a true and correct copy of excerpts of the transcript

1 of the third day of the deposition of Wang Zhaojie on March 8, 2019 (“Wang Zhaojie 2019 Dep.
2 Tr. Vol. III”).

3 28. Attached hereto as Exhibit 25 is a true and correct copy of excerpts of the transcript
4 of the second day of the deposition of Li Miao on September 28, 2022 (“Li Miao Dep. Tr. Vol.
5 II”).

6
7 I declare under the penalty of perjury under the laws of the United States of America that
8 the foregoing is true and correct.

9 Executed this 26th day of May, 2023 in San Francisco, California.

10
11 /s/ R. Alexander Saveri
R. Alexander Saveri

EXHIBIT 1



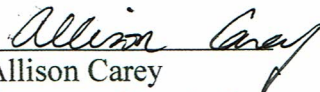
STATE of NEW YORK)
)
COUNTY of NEW YORK)

SS:

CERTIFICATE OF ACCURACY

This is to certify that the attached document, *BMCC-CRT000105586E - BMCC-CRT000105590E*, originally written in *Chinese*, is to the best of our knowledge and belief, a true, accurate and complete translation into *English*.

Dated: December 6, 2017


Allison Carey
Consortra Translations

Sworn to and signed before ME this
6th day of December,
2017.


Notary Public

JAMES G. MAMERA
Notary Public- State of New York
No. 01MA6157195
Qualified In New York County
My Commission Expires December 4, 2018

Your
legal
translation
partner 

Industry Meeting Minutes

Time: July 5, 2007

Place: Chinese Hotel Dongguan

Attendees:

Secretary General's remarks: In the first half of 2007 the market saw great changes, many problems in the industry were exposed, and the impact of flat panel products on CRT is increasingly evident. In this environment the attending companies are able to meet and discuss under these critical times; hopefully the meeting will be successful.

Analysis of current situation of CRT and CTV (See meeting report contents)

Secretary General Yang Guojun:

1. At beginning of this year, the color tube inventory was 9.2 million units; at the end of the year there were still 7.5 million units. Supply is still greater than demand; judging by the current situation inventory should be further reduced in stages by 5 million units. From the industry's estimation, the TV inventory of 4.5 million sets is not so large, but the CRT inventory is far greater than the CTV inventory. Therefore, solving the inventory problem is still key.
2. Each company is not cutting production enough; we will produce 36 million units in the second half of the year.

Remarks by each company's general manager:

1. BMCC general manager Chen Xi

This year an obvious crisis has occurred in the glass supply chain; Solectron Shanghai's furnace was just repaired and immediately came under funding pressure. Other suppliers like Ancai and Baoshi are also not optimistic. The survival of glass enterprises is the foundation of CRT.

BMCC has started recovering 14" color tube prices this April; if prices drop lower, it will affect the entire industry.

TV factories rely on CRT for profits, propping up LCD. When the time comes that LCD is mature, abandoning CRT will be too easy. In the near term we can only save ourselves by maintaining prices.

BMCC will further increase export plans in the second half of this year.

2. Wang Ximin of Xianyang IRICO:

We suffered last November and December, and this year business from January to March was quite difficult. The 29" just came out, and the loss from pricing was too great. Since the glass, steel plates and other materials we buy are designated to be sourced from our own group, our costs are higher than everyone else's.

Color TV and color tube refurbished products are a big threat to the industry, and also not ecological; we should ask the relevant government ministries to strictly control them.

We recommend raising prices by 10% for the main 21" and 29" product types beginning in July. We must unite everyone's understanding. Then comes limiting production.

For future main product types there has to be at least a limit price.

Export as much as possible; for example India has great demand for 14". We and BMCC have good control of 14" prices.

3. Cheng Shengguo of Samsung SDI

This year Samsung SDI's Mexico factory will continue production, and the chance of a shutdown does not exist. We will consider shutting down the Korean factory due to excessively high operating costs. The remaining production volumes will shift to China's Tianjin and Shenzhen factories, as well as the Malaysian, Mexican, and Brazilian factories.

Since Brazil's LPD factory shutdown, Samsung's factory there is doing somewhat better. In 2008 the Korean and Mexican factories will shut down, and Brazil will keep only one production line.

4. Wang Yufeng of SEG-Hitachi

SEG-Hitachi's withdrawal will free up annual production capacity of 6 million 21" CRT units for the industry. We believes the recovery of the market in the second half of the year is not a problem. But SEG-Hitachi received the city government's request to cease CRT business due to high production costs in Shenzhen and other reasons.

5. Thomson's general manager

China possesses a complete CRT production system; we estimate that CRT products will remain the world's most cost-competitive product until 2009.

Although LCD manufacturers are showing some production overcapacity, prices continue to rise. Thomson continues to invest in China and new global CRT items (super slim, shadow mask conversion to AK). Striving for long-term development and becoming the last color tube manufacturer is our mission. Establish a complete glass and other supporting materials supply chain. We believe in the importance of cooperation and fair competition.

Introduction to India market:

India has two CRT manufacturers, VIDECON and Smtal. Annual production is 12 million units, mainly focused on producing 14" CRT.

The raw material supplier is also VIDECON.

India's import tariff is 12%, so exporting is harder.

6. Fan Wenyi of Shanghai Novel

Shanghai Novel only had one-plus production line for the first half of this year, and will expand production in the second half. We estimate two lines will produce four types, 21FS, 21PF, 25FS, and 29PF; production volume will be 1.8 million units. Concurrently, personnel will undergo about a 60% layoff adjustment.

Solectron Shanghai halted half their furnaces beginning in July; if the third quarter is not good, it will shut all of them down. Solectron's business situation has a big effect on the Shanghai government. We estimate that the Shanghai Xingzhi Screen Factory will close at the end of year.

7. Li Dalin of BMCC

Looking at the global market, there is still opportunity; opportunity coexists with challenges. As for current production, each company faces different problems. BMCC will base itself on the export market; we estimate there will be 15% growth in the second half of this year. Exporting from China to India has higher tariffs; exporting from Thailand to India is relatively better.

Price must be decided based on the market and supply and demand.

Aggressively expand overseas markets; if we do well in overseas markets, we can also ease some of the pressure in the domestic market.

8. Sheng Jianzhong of Nanjing Huafei

Globally CRT is reducing, but it is still resilient, especially in China. As foreign factory closures speed up, some domestic companies are beginning to transform.

We must have confidence about raising prices; there are signs this is beginning for small screens. No one made money in the first half of the year; if we don't grab this chance in the second half, this year will be difficult.

Prices should be increased; everyone should be united as we face outward, or else next month prices will go down again. Currently, Philips' export business color tube prices have already begun to increase.

We should increase exports; judging from estimated figures for color tube imports, there will still be 5 million units of imports for the whole year—this quantity should be reduced.

It is worth noting that some companies (SEG Hitachi) pledged tubes as debt collateral, impacting the industry's color tube prices.

Conclusion by secretary general Yang Guojun:

1. We must decrease inventory, so that we can stabilize prices or raise them slightly. Raising prices domestically by 10% is absolutely doable.
2. Increasing exports is good for cash flow, and we must be determined to resolve the problem of payment conditions.
3. If we want to continue doing this, the industry must handle its own affairs well.
4. We plan in early August to gather the glass factory senior management for a meeting with CRT, to get to the point where no one in the entire CRT industry will have losses. This will be good for the CRT industry's healthy development.
5. The price of CRT is merely one-third that of LCD, so we must be confident about the CRT industry. Right now everyone must unite; if we don't get the second half of this year right, the year will be difficult.

行业会议纪要

时间：2007 年 7 月 5 日

地点：东莞富盈酒店

出席人员：

秘书长致辞：2007 年上半年整个市场变化很大，行业本身暴露的问题很多，平板产品对 CRT 的冲击越来越显现出来，在此环境下与会厂家能够在此非常时期开会商讨，希望会议成功。

CRT、CTV 现状分析（请参见会议报告内容）

杨国钧秘书长：

- 1、今年彩管年初库存 920 万只，到了年底仍旧有 750 万只，还是供大于求，就目前的状况来看库存应该再逐步削减 500 万只。TV 的库存从行业推总来看 450 万台并不多，但 CRT 的库存远远大于 CTV 库存。因此，解决库存问题仍是关键。
- 2、各家减产的数量不够，下半年生产 3600 万只。

各公司总经理发言：

1、BMCC 陈曦总经理

今年供应链玻壳上已发生了明显的危机，上旭电的炉子刚刚修好，就受到资金的压力。其他供应商安彩、宝石也都不乐观。玻壳企业的生存是 CRT 的基础。

BMCC 在今年 4 月份就开始对 14"彩管价格开始恢复，价格再降，将影响整个产业。

TV 厂依靠 CRT 赢利，扶持 LCD，到时候等 LCD 成熟了，抛弃 CRT 就太容易了。只有保价才能在短期内自救。

BMCC 下半年出口计划将进一步增加。

2、咸阳彩虹王西民

去年 11、12 月备受磨难，今年的 1-3 月企业经营也是相当困难。29"刚出来，价格上亏损太大。购买的玻壳、网板等材料，由于是指定使用自己集团内的，因此要比大家的价格还要高。

彩电、彩管的再生品对行业威胁很大，也不环保，应要求国家相关部门对此严格控制。

建议主要品种 21"、29"从 7 月份开始上涨 10%，大家的认识要统一。再就是限产。

对于今后主要品种起码要有一个限价。

尽量出口，比如印度对 14"的需求很大。我们和 BMCC 对 14"价格的控制是好的。

3、三星 SDI 成圣国

今年三星 SDI 的墨西哥工厂将继续生产，不存在关闭的可能。韩国的工厂由于经营成本太高，将会考虑关闭。将余下的生产量转移到中国的天津、深圳两个工厂，以及马来西亚、墨西哥、巴西的工厂。

由于巴西 LPD 工厂的关闭，三星在那里的工厂状况要好一些。

2008 年韩国、墨西哥的工厂将会关闭，巴西将只保留一条生产线。

4、赛格日立王宇峰

赛格日立的退出将给行业腾出了每年 600 万只 21”CRT 的产能。

认为下半年市场的回暖不是问题。但赛格日立是因在深圳生产成本高等原因，受市政府要求停止 CRT 业务的。

5、汤姆逊总经理

中国有完善的 CRT 配套生产的体系，预计到 2009 年 CRT 产品依旧是全球最具性价比的产品。

虽然 LCD 厂家出现了产能的少许生产过剩，但价格继续上升，汤姆逊在中国以及全球的 CRT 新品项目（超薄、荫罩 AK 化）上继续投资，致力于长期的发展，成为最后一家彩管制造商为我们的使命。建立完整的玻壳等配套材料的供应链体系，相信合作、公平竞争的重要。

印度市场介绍：

印度有两家 CRT 制造商，VIDECON 和 Smtal。年产 1200 万只，主要集中在 14”CRT 的生产。

原材料供应商也是 VIDECON。

印度的进口税是 12%，所以出口比较困难。

6、上海永新范文懿

上海永新上半年仅一条多线在生产，下半年要加大生产，预计两条线要生产

21FS、21PF、25FS、29PF 四个品种，产量将在 180 万只。同时，人员要做 60%左右的裁员调整。

上海旭电子 7 月开始停一半的炉子，如 3 季度不好，将全部关掉。上海旭电子经营的状况对上海市政府的影响很大。

预计上海新芝网板厂年底关闭。

7、BMCC 李大林

从全球市场来看还是有机会的，机会与挑战并存，对于目前的生产，各企业面临的问题各不相同。BMCC 将立足于出口市场，预计下半年将有 15%的增长。

从中国出口到印度的关税较高，泰国出口到印度要相对好一些。

价格要用市场和供需来决定。

积极拓展海外市场，海外市场做得好的话，国内市场也可以减轻部分压力。

8、南京华飞盛建忠

CRT 全球来看是减少的，但生命力还是很强，特别是在中国，加速国外工厂的关闭的同时，国内一些厂家也开始转型了。

对于价格的上涨要有信心，小屏幕已经开始有所迹象了。上半年大家不挣钱，下半年不抓住机会的话，今年就很困难了。

价格应该上涨，大家对外要统一，不然下月价格又要下降了。目前，飞利浦出口业务的彩管价格已经开始涨价了。

应该增加出口，从彩管进口的预计数据来看，全年仍将有 500 万只的进口，要减少这个量。

对于一些企业（赛格日立）的抵债管对行业彩管价格的冲击要值得关注。

杨国钧秘书长总结：

- 1、要把库存降下去，这样才能稳住价格或略有上升，在国内上涨 10%是完全可以的。
- 2、出口增加对于现金流是有好处的，解决付款条件的问题要下决心解决。
- 3、要继续做下去的话，行业要做好自己的事情。
- 4、计划 8 月初，把玻壳厂老总召集起来和 CRT 一起开会，做到整个 CRT 行业大家都不亏损，对 CRT 行业的健康发展是有好处的。
- 5、CRT 的价格相对 LCD 来说仅是三分之一，所以对 CRT 行业要有信心。现在大家要团结起来，如果下半年没做好，今年就都困难了。

EXHIBIT 2

From: DENIS.HUANG [huangzy@cptf.com.cn]

Sent: Tuesday, February 13, 2007 4:02 AM

To: SALES胡美芳

Subject: ??: file

Attachments: 西安??理?????.doc; 西安??理?????.ppt

自我了解即可！

DENIS.HUANG 2007/2/13

发件人: yliang6699 [mailto:yliang6699@163.com]

发送时间: 2007年2月8日 12:26

收件人: huangzy@cptf.com.cn

主题: file

Dear mr.Huang

(See attached file: 西安总经理会议记录.doc)(See attached file: 西安总经理会
汇报.ppt)

liang yuan

HYPERLINK "<http://www.126.com/>" \n想加入吗？1.9亿用户正在使用网易邮箱 www.126.com

Exhibit
Wang 8570
9/20/2022
Wang Zhaojie - V2

CHS00017657

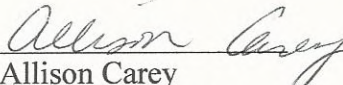


STATE of NEW YORK)
)
COUNTY of NEW YORK) ss:


CERTIFICATE OF ACCURACY

This is to certify that the attached document, “CHU00047658 - CHU00047662” originally written in *Chinese* is to the best of our knowledge and belief, a true, accurate and complete translation into *English*.

Dated: December 17, 2014


Allison Carey
Consortra Translations

Sworn to and signed before ME this
17th day of December
2014.


Notary Public

JAMES G. MAMERA
Notary Public- State of New York
No. 01MA6157195
Qualified In New York County
My Commission Expires December 4, 2018

Your
legal
translation
partner 

January 23, 2007 CPT Industry General Manager (Xi'an) Meeting Minutes

Meeting Time: January 23, 2007

Meeting Location: Fanglin Fragrant Garden Hotel, Xi'an

Attending units and personnel:

Beijing Matsushita: Wenqiang Fan, Xinwen Huang, Hai Huang

Xianyang IRICO: Daoqin Xing, Mengquan Guo, Ximin Wang, Xiaolin Shen,
Jun Yao, Gaowen Xu

SEG Hitachi: Guojun Yang, Peng Guo

LPD: Chang Gi Kim, Jiangnan Yu

Changsha Shuguang: Yaping Yang, Jing Feng

Nanjing Huafei: Jianzhong Sheng, Dezhu Zhang, Minghui Xu

Shanghai Novel: Wei Sun, Zhiping Xu, Qing Ye

Samsung SDI: Yihuan Wu, Yun Xie

CPT: Xiaoyan Liu

Meeting Chair: Secretary-General Guojun Yang

Content:

Chairman Daoqin Xing delivered welcome speech:

2006 was a difficult year for the industry. In 2005, global market shrank, but Chinese market grew. However, in 2006, the Chinese market also shrank. Companies are facing transformation, and CRT will be concentrated in China, India and the surrounding areas in the future. As a community of interests, all should jointly explore how to develop the industry. (To effectively integrate resources).

Wenqiang Fan, President of the Association, read the letter that Thomson (Seligent) explained the reason of their absence from this meeting.

Information personnel representative reported the market conditions of 2006 and 2007 and elaborated the severe market trends (see attachment for details).

Moderator: 2006's inventory carried over to 2007; therefore, 2007 has 2-month extra production capacity (the Shanghai Meeting had suggested one month shutdown). Facing the significant increase of the current inventory and the decline of prices, all are very clear that we should discuss the next step. It is reported that, by the end of 2006, the inventory was 5 to 6 million in the industry, and it is estimated that the inventory will be over 10 million in January 2007. We hope to form a guideline document to make the CPT industry well survive. All companies must operate under the industry's decision. Recently, I heard that several LCD companies want to cooperate and I think the industry's joint action is the right direction. I hope that all attending executives work together to consume the inventory of 10 million in the industry as soon as possible.

President of the Association: From a global point of view, the display industry is in a stalemate, and the development of FPD is in a transition stage. LCD's global investment peak period has passed, and now LCD is entering its second phase (integration phase). The total production capacity of LCD should be able to fix in 2010. Our original pessimistic projection is that in 2010, LCD will be 170 million and CRT will be 70 million. Now we do not think so (LCD capacity is expected to be 80-90 million); it will not be more than 100 million. Global TV demand is 220 million sets, of which 110 million are FPD, and 110 million are CRT (mostly Chinese companies'). The production lines in Southeast Asia will be gradually reduced (in 2007, China CPT supply will possibly rise to 60% while Southeast Asia shares 30% and other areas share 10%). Chinese enterprises should work together and keep harmony to a great extent and to eliminate minor differences. Cooperation is the gist. Currently, five large color TV makers work together, so they have very big strength. Our CPT industry analyzes more on our industry rather than color TV, LCD and globe market. 2007 is a new year and we should specify the industry rules.

Moderator: All (including SDI) are facing difficulties, but we did not analyze the reason causing the current difficulties. Color TV makers cooperated, and CPT inventory soared up high since July. Prices of all materials increase. All of the current inventory is the materials purchased at high prices; cost pressure is very high, so we should work together.

Executives of respective companies spoke on the meeting topics as follows:

Novel: We support the Industry Association's decision. We hope the industry can work jointly to cope with and to face the difficulties in survival, and may consider less about the legal aspects. We suggest that the Association set a unified price and control outputs. FPD production is also limited. With respect to Shanghai TFT, the original plan was to expand capacity by 70% to 80%, but now its capacity is also shrinking.

SEG: We plan to shut down the whole plant for 20 days; after that, we will shut down for 10 days depending on the circumstances. (Secretary-General Guojun Yang will not be responsible for SEG's CPT sales any more from January 1. He will be primarily responsible for sales of Hitachi LCD screens as an agent.)

Huafei: Our company has higher requirement on inventory. We have stopped production for one week before the New Year's Day, and will stop production for two weeks or longer around Spring Festival period based on types. We think that coordination by the industry still has some effects. Huafei will control production, sales and inventory based on own interests and the industry's interests.

LPD: LPD Korea will stop production of 4 lines in Q1 this year (in January stopped 3 lines; among four production lines, 2.5 lines are CPT lines). Part of the purchase orders and production plan will be transferred to Huafei and Changsha. The Chinese plants' status becomes more important than it was before. The industry must control inventory.

LG: In December, 21 "/ 25" were shut down for 10 days. Shutting down by the industry's members individually is not strong enough. We suggest the industry should arrange shutdowns uniformly.

CPT: Fuzhou plant plans to produce 4.5 to 6 million pieces in 2007 and the types will be 14" and 21". Currently, Fuzhou has a total of eight production lines; it has converted one line for producing 14 "CPT (capacity is 1.6 million/year) and two lines for producing 21"CPT (capacity is 1.2 million/year) (it plans to use the technology of producing CDT short tubes to produce 21" short tubes after July 2007). We also plan to convert the 4th line, but it depends on the market condition after 2008. After Fuzhou plant starts to produce CPT, CPT Malaysia will reduce part of the outputs. It is anticipated that after a number of years, CPT can keep one plant only. However, when the plant was established in the early stage, its equipment, etc., was supervised by the customs. Now the supervision period has not yet expired, so it is expected to be a longer wait for the shutdown time. CPT's slogan is "fighting to the last single soldier." CPT originally had five CPT plants, but now it has plants in Fuzhou, China and Malaysia only (it closed its plants in Taoyuan, Taiwan, United Kingdom, and Yangmei, Taiwan one after another).

CPT currently has six plants in China, including a LCD module. It also acquired XOCECO to do the whole machine business. Its next step does not preclude the possibility of establishing a new whole machine plant (currently it is also negotiating with BOE).

SDI: Samsung produces strictly based on its purchase orders and arranges shutdown gradually; SDI considers LCD as its competitor. It has the least inventory in the CPT industry.

IRICO: We paid much attention to the essence of the Shanghai Meeting and limit production for 10 to 20 days. We will arrange our production, sales and inventory according to the essence of this meeting. The Industry Association has made great contributions to the nation and the industry. However, it should make some constraints on the current industry situation and should foresightedly understand how to make the industry out of the plight. We also suggest the Industry Association to change its name to "Display Devices Industry Association," etc., to recruit new members and to expand its field of vision.

Beijing Matsushita: We called for meeting with the upstream and the downstream together, preferably led by the color TV makers. We must make the color TV makers know that maintaining the development of CRT industry is an important proposition of TV makers. In 2003, BMCC originally planned to further build a plant in Beijing, and it finally canceled the plan, which now appears to be wise. We hope that CPT will also consider that when it transferred to the Fuzhou plant, it adjusts the production capacity of the Malaysia plant to keep the overall balance. We also suggested that Malaysia plant export more to Europe. (Malaysia has tariff advantages, China - Europe 14 / Malaysia - Europe 7.9). In 2006, BMCC made its efforts to increase export, and export accounted for 55% of the sales. BMCC stopped production during the New Year's Day for three days. Currently, BMCC has over 130 models; therefore, it is more difficult to control inventory. This year it needs to clean up its models to raise the overall capability to respond to the market. We hope that in 2007 the industry can control the balance between production and sales; the industry needs to increase exports and enhance global competitiveness. Regarding the matter on request for the government's restoration of export tax refund, what the industry previously did has not aimed at the right target. Currently, we have already contacted a consulting firm under the Ministry of Finance to promote this. If it is successful, they will charge certain fee. If not, they will not charge at all.

Secretary-General Yang: The policy of this meeting: limit production, reduce inventory, and keep price.

President of the Association Fan: The meeting needs to form a press release so that all

speaking with one voice. (Please pay attention to information security and information propaganda, and keep the meeting content from spreading outside.)

2007 shutdown schedule and expected inventory during the Spring Festival

	February	Estimated inventory volumes at the end of February
SEG Hitachi	10th to 28th	400,000
Shanghai Novel	16th to 28th	400,000
Nanjing Huafei	16th to 28th	300,000
Changsha LG	10th to 25th	250,000
Chunghwa Picture Tubes	15th to 28th	0
Samsung SDI	15th to 28th	200,000
IRICO	15th to 28th	500,000
Beijing Matsushita	16th to 25th	500,000

The meeting decided to convene the Industry's Department Chief Meeting after the Spring Festival.

2007 年 1 月 23 日彩管行业总经理 (西安) 会议记录

会议时间：2007 年 1 月 23 日

会议地点：西安 芳林苑宾馆

与会单位及人员：

北京松下 范文强 黄新文 黄海
咸阳彩虹 邢道钦 郭盟权 王西民 申小琳 姚军 徐高文
赛格日立 杨国钧 郭 鹏
LPD 金昌起 于江南
长沙曙光 杨亚平 冯靖
南京华飞 盛建忠 张德柱 许明晖
上海永新 孙 伟 徐志平 叶 青
三星 SDI 吴翊焕 谢 云
中华映管 刘晓燕

会议主持：杨国钧秘书长

内容：

邢道钦董事长致欢迎词：

2006 年是行业艰难的一年，2005 年全球市场萎缩，但中国市场有所增长，而 2006 年中国市场同时也有萎缩。企业面临着转型，未来 CRT 集中在中国、印度及周边地区，大家作为利益共同体，应该联手探讨行业如何发展。(资源有效整合)

范文强会长致辞并宣读汤姆逊 (新骏) 对于本次未出席此次会议原因说明的函件。

信息员代表汇报 06 及 07 年市场情况，阐述严峻的市场趋势（详见附件）

主持人：06 年的库存带到了 07 年，07 年多了 2 个月的产能（上海会议时曾建议停产 1 个月）对于目前的库存大幅上升，价格下跌，大家都十分清楚，应该探讨下一步该如何走。根据报告，06 年底行业存在 500~600 万库存，07 年 1 月估计会超过 1000 万，希望能够形成一个纲领性的文件，让彩管行业好好生存。所有企业在行业的决定下工作，最近听说几家 LCD 企业要联手，我觉得行业联手行为是对的，希望在座各位老总群策群力，尽快消化行业 1000 万库存。

会长：从全球来看，显示行业正处于胶着状态，FPD 发展到了一个转型期，LCD 全球投入的高峰期已经过去，现在进入第二阶段（整合阶段）。2010 年 LCD 的总产能应该能定住了，原来我们悲观预计到 2010 年 LCD 有 1.7 亿，CRT7000 万，现在觉得未必如此（预计 LCD 产能在 8000~9000 万），不会达到 1 亿以上。全球 TV 需求为 2.2 亿台，其中 1.1 亿为 FPD，CRT 有 1.1 亿（以中国企业为主）。东南亚生产线会逐步减少（07 年中国 CPT 供应可能会上升到 60%，东南亚 30%，其它 10%）。中国企业应坐在一起，存大同，去小异，联手是主题。目前五大彩电厂联手，力度很大，我们彩管行业分析自己的行业比较多，对彩电、LCD 及全球分析比较少。07 年是新的一年，大家应该指定行业规矩。

主持人：大家都面临困难（包括 SDI），但是没对造成目前困难的原因分析，彩电厂联手，彩管库存从 7 月猛涨，材料价格全面涨价，现在的库存都是高价下采购的材料，成本压力很大，因此应当联手。

以下各个公司老总就会议议题发言

永新：支持行业协会的决定，希望行业能够联合应对，面对生存的窘境，在法律方面可以考虑少一些，建议协会可以统一价格，控制产量；FPD 也限产，上海 TFT 原来计划扩产 70%~80%，现在产能也萎缩。

赛格：全厂计划停产 20 天，其后根据情况停产 10 天。(杨国钧秘书长从 1 月 1 日开始不再负责赛格的彩管销售，主要销售代理日立液晶屏。)

华飞：公司对库存的要求比较高，元旦前已经停产 1 周，春节前后会根据品种停产 2 周或者更久。认为行业协调还是有一定作用力，华飞会从自身及行业利益出发控制产销存。

LPD：LPD 韩国今年 1 季度将停产 4 条线 (1 月停 3 条，4 条生产线其中 2.5 条是 CPT 线)，部分订单及生产计划将向华飞及长沙转移，中国工厂地位较之之前更为重要，行业一定要控制库存。

LG：12 月 21"/25"停产 10 天。行业成员各自分头停产的力度不够，建议行业统一安排停产；

中华：07 年福州工厂计划生产 450~600 万只，品种是 14" 及 21"。目前福州共有 8 条生产线，已经改造 1 条生产 14"CPT (产能 160 万/年)，2 条生产 21"CPT (产能 120 万/条/年)(07 年 7 月份以后计划用生产 CDT 短管的技术生产 21"短管)，另还

计划改造第 4 条线，不过要看 08 年后市场情况来定。福州工厂投产 CPT 后，马来西亚中华将减少部分产量，预计若干年以后，中华映管只能保存一个工厂，但因为早期建厂时设备等受到海关监管，监管期还没有达到，所以关闭的时间将是一个较长的预期。中华的口号是“战到最后的一兵一卒”。华映原有五家 CPT 工厂，现在只剩中国福州、马来西亚（先后关闭台湾桃园、英国、台湾杨梅）。华映目前在中国有 6 家工厂，其中包括有 LCD 模组，还收购厦华，做整机业务，下一步不排除建立新的整机厂（目前和京东方也在谈洽）。

SDI：三星是严格按照订单生产，逐步安排停产；SDI 认为竞争对手是 LCD，是彩管行业库存最少的。

彩虹：重视上海会议精神，限产维持 10~20 天，会根据此次会议精神安排产销存。行业协会为国家及行业做出了很大贡献，但就目前行业情况应做出一些约束，要前瞻性的了解如何使行业走出困境。并且建议行业协会更名，如“显示器件行业协会”等等，吸收新会员，扩大视野。

北京松下：呼吁上下游一起开会，最好有彩电厂牵头。要让彩电厂认识到维持 CRT 行业发展是 TV 厂的重要命题。03 年的时候，北松原计划在北京再盖工厂，最后取消了决议，现在看来是明智的。希望华映也能考虑，在向福州工厂转移的同事，马来西亚工厂调整产能，整体平衡。同时建议马来西亚工厂多往欧洲出口。（马来西亚有关税优势，中国——欧洲 14/马来西亚——欧洲 7.9）。06 年北松加大出口力度，出口占销售 55%。北松元旦停 3 天，目前北松有 130 多个型号，库存比较

难控制，今年要专门清理品种，提高整体对应市场的能力。希望 07 年行业能控制产销平衡，行业要增加出口，增强全球竞争力。关于申请国家恢复出口退税的事宜，以前行业所做的工作没有对准目标，目前已经联系了一个财政部下属的咨询公司进行推广，如果成功，将要收取一定费用，不成功分文不取。

杨秘书长：此次会议方针：限产、压库、保价

范会长：会议形成新闻稿，以便大家统一口径。（注意信息安全和信息宣传，会议内容不要外传。）

07 年春节期间停产时间及预期库存

	2 月	预计 2 月底库存量
赛格日立	10 日~28 日	40 万
上海永新	16 日~28 日	40 万
南京华飞	16 日~28 日	30 万
长沙 LG	10 日~25 日	25 万
中华映管	15 日~28 日	0
三星 SDI	15 日~28 日	20 万
彩虹	15 日~28 日	50 万
北京松下	16 日~25 日	50 万

会议决定：春节后召开行业部长会议。

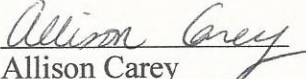


STATE of NEW YORK)
)
COUNTY of NEW YORK) SS:

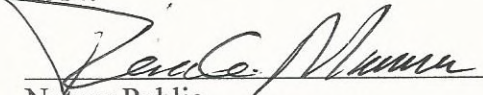
CERTIFICATE OF ACCURACY

This is to certify that the attached document, "*CHU00047663 - CHU00047674*" originally written in *Chinese* is to the best of our knowledge and belief, a true, accurate and complete translation into *English*.

Dated: December 17, 2014


Allison Carey
Consortra Translations

Sworn to and signed before ME this
17th day of December,
2014.


Notary Public

JAMES G. MAMERA
Notary Public- State of New York
No. 01MA6157195
Qualified In New York County
My Commission Expires December 4, 2018

Your
legal
translation
partner 

2007 Q1 CRT Industry General Managers Conference

Xi'an
January 23, 2007

[auto date]

Conference Agenda

9:00-9:30 President Xing's Welcome Speech and Conference Chairman's Welcome Speech

9:30-10:00 Report on Industry's Current Status

10:00-11:00 Statements by Industry Leaders

12:20- Luncheon Reception Hosted by Irico

[auto date]

Conference Topics

- Review and analysis of market demand and supply for 2006
- Data for 2007 Q1 and market forecast for 2007
- Strengthening communication and cooperation in CRT industry; together welcoming market challenges
- Collective planning of long-term development for CRT industry

[auto date]

2006 Demand and Supply Analysis

- In 2006, our industry showed growth in a recovery mode. Compared with 2005, there was an 11.5% increase in production; 6.7% increase in sales; 3.87% decrease in domestic sales; and a 128% increase in inventory.
- The restructuring and closing in overseas CRT makers caused a 27% increase in export (including same day import and export activities at the same port). However, due to the 2006 CRT import far exceeded the forecasted amount (net import 11.12M), which is a result of mostly the CRT dumping effect from Malaysia and Thailand (factories in these two countries have been closed by the end of 2006; the effect will be limited for 2007.), the volume of imports has far exceeded expectation in 2006 .
- Because color TV makers made purchases in advance in the second Quarter, and cleared the strategic inventory in the fourth Quarter, this year has seen neither a weak off-season nor a strong peak season.
- Because the changes in supply and demand have made the CRT inventory to increase every month in the fourth season, reaching over 3,000,000 by the end of the year.

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2006 Market Supply and Demand Analysis

2006 Supply and Demand Trend of Color TV and CRT

Color TV Makers' Production Forecast

Unit of measure:10,000 pieces/10,000 sets

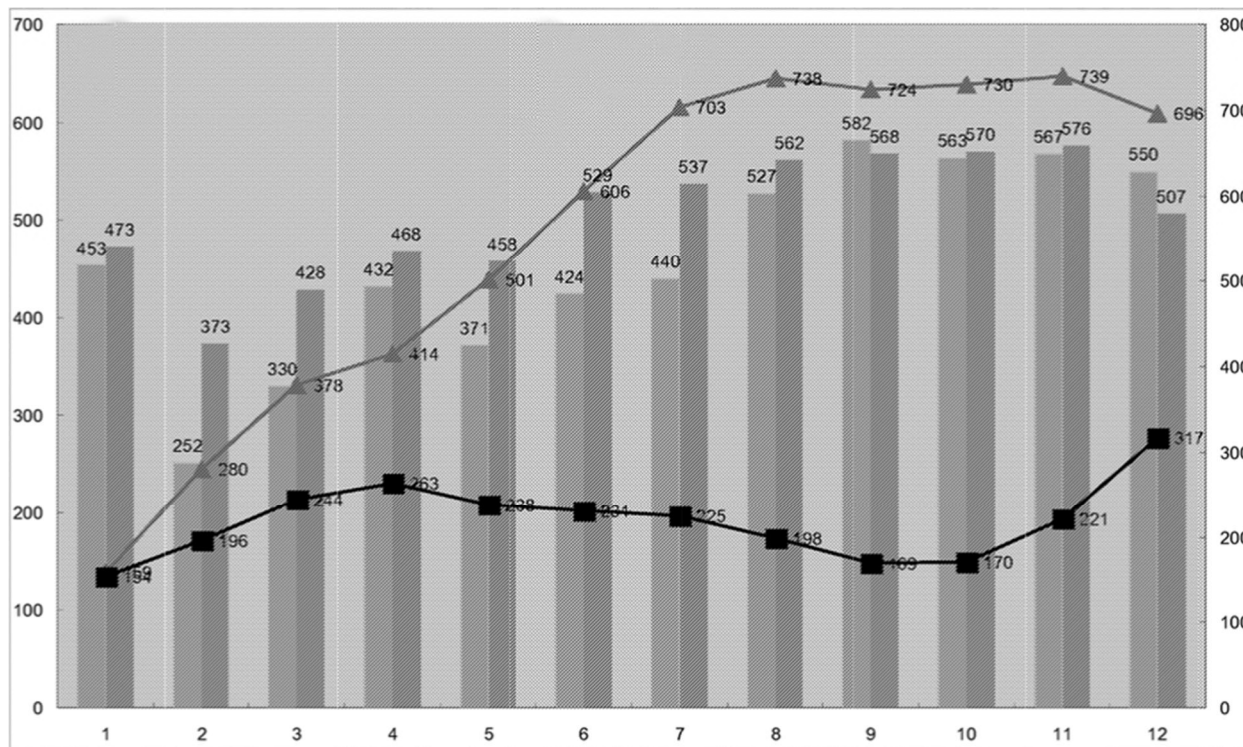
Month	06.01	06.02	06.03	06.04	06.05	06.06	06.07	06.08	06.09	06.10	06.11	06.12	Estimate
CHONGHONG	70	53	50	52	47	58	62	61	80	80	80	90	783
SKYWORTH	60	28	32	55	55	52	68	73	80	85	76	78	742
KONKA	75	40	35	60	50	67	70	74	90	100	105	105	871
TTE	95	60	107	111	90	95	92	113	119	120	110	95	1207
HI SENSE	55	13	20	50	45	59	50	65	75	75	72	80	659
HAIER	45	15	20	30	25	30	45	51	70	45	50	60	486
Above Total	400	209	264	358	312	361	387	437	514	505	493	508	4748
Projected Total Color TV Production	533	322	406	519	446	501	545	652	714	673	657	635	6604
Net import of CRT	80	70	76	87	75	77	405	125	132	110	90	85	1112
Available domestic CRT quantity	453	252	330	432	371	424	440	527	582	563	567	550	5492

CRT Production Forecast

THOMSON	75	59	69	80	69	78	83	99	100	93	86	80	971
LPD-HE	60	61	64	66	57	71	78	80	79	81	80	75	852
LPD-OG	57	54	60	58	60	64	59	64	63	62	63	50	714
NOVEL	51	36	30	31	33	43	44	43	48	41	50	42	492
LRLOO	99	79	109	117	111	130	130	135	135	135	132	112	1424
BMOC	71	63	75	74	72	77	82	83	77	88	80	70	912
SDI	78	62	68	79	92	96	105	105	105	102	96	79	1067
SEG	46	37	48	50	46	51	53	50	59	57	59	55	611
Projected Total CRT Production	537	451	523	555	540	640	634	659	666	659	646	563	7043
Net export	64	78	95	87	82	81	97	97	98	89	70	56	994
Current Month Difference between CRT Import and CRT Export	16	-8	-19	0	-7	-4	8	28	34	21	20	29	
Domestic Supply of CRT	473	373	428	468	458	529	537	562	568	570	576	507	6049
Monthly Difference between Supply and Demand	20	121	98	36	87	105	97	35	-14	7	9	-43	
CRT Inventory	159	280	378	414	501	606	703	738	724	730	739	696	
Inventory per Industry Exchanged Data	154	196	244	263	238	231	225	198	169	170	221	317	
Grey Inventory	5	84	134	151	263	375	478	540	555	560	518	379	

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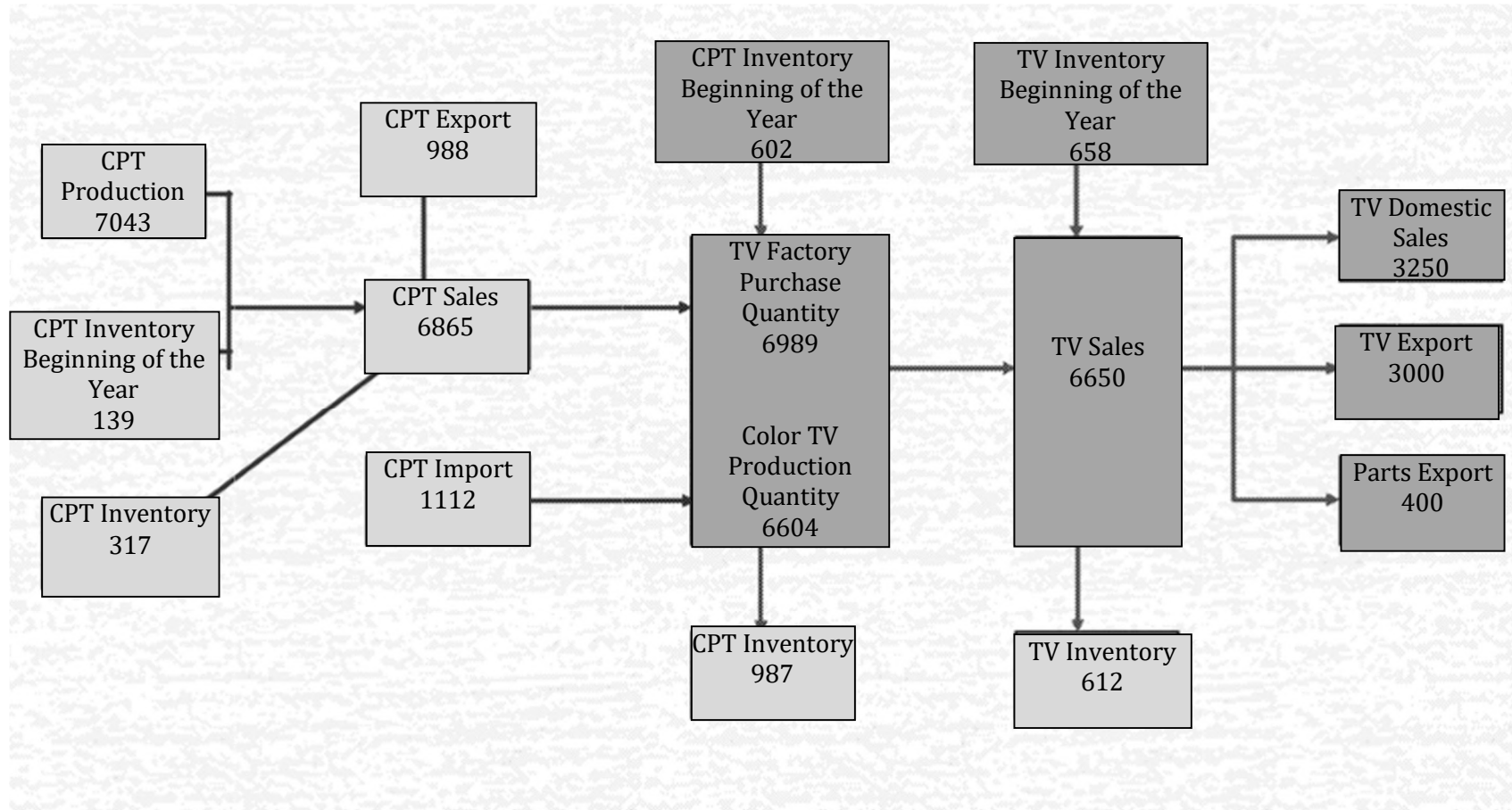
2006 Market Supply and Demand Analysis Chart



Available domestic CRT quantity
 CRT domestic supply quantity

CRT Inventory
 [auto date]
 Inventory per Industry Exchanged Data

2006 CRT Supply and Demand Balancing Chart



[auto date]

2007 Q1 Market Forecast

- Currently, most makers have not made definite production plans for the rest of Q1. If the CRT industry continues to operate at full load, the supply and demand situation will further deteriorate. In addition, the impact of price surge in raw materials will cause crisis for CRT sales in Q1 in 2007.
- With the 2007 Chinese Lunar New Year being in late February, the peak season for color TV sales will be later than previous years. At the same time, color TV makers are even more cautious about the purchase of CRT and color TV productions, in order to reach their goal of limiting production and control inventory.
- In 2007, there will be more companies entering the Chinese CRT industry. The production capacity will increase 12.7% more than 2006 (10,800,000 pieces).

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2007 Market Supply and Demand Analysis

2007 Supply and Demand Trend for Color TV and CRT

Color TV Makers' Production Forecast

Unit of Measure: 10,000 pieces/10,000 sets

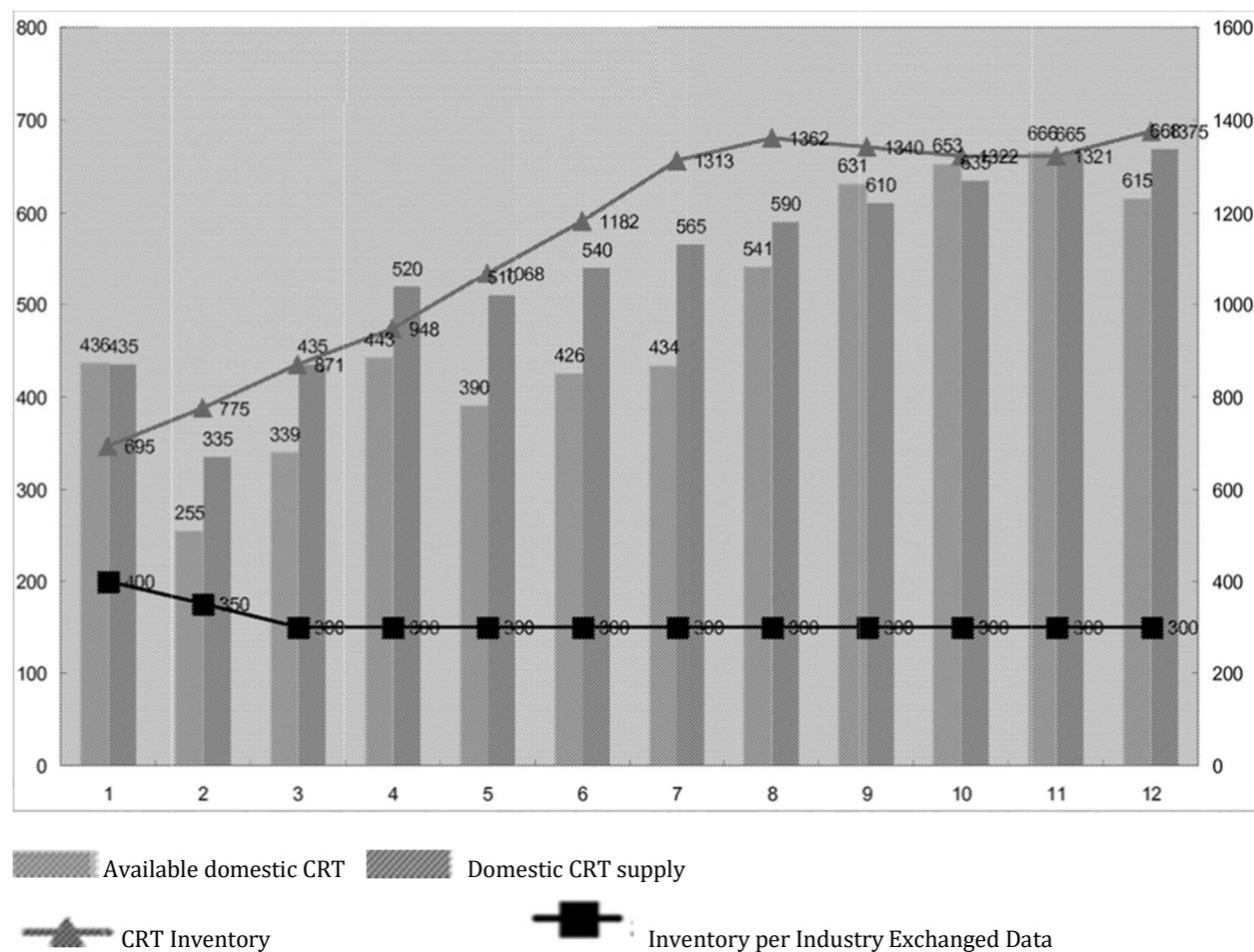
Month	07.01	07.02	07.03	07.04	07.05	07.06	07.07	07.08	07.09	07.10	07.11	07.12	Estimate
CHONGHONG	50	20	20	40	50	50	50	50	80	75	75	90	650
SKYWORTH	50	25	30	50	50	50	55	65	80	85	80	80	700
KONKA	70	50	50	60	50	70	70	80	100	120	120	110	950
TTE	95	60	100	110	90	95	90	100	110	120	120	110	1200
H SENSE	50	15	20	50	45	50	50	65	75	75	75	80	650
HAI ER	45	15	20	30	30	30	45	50	60	60	60	55	500
Total Above	360	185	240	340	315	345	360	410	505	535	530	525	4650
Projected total Color TV Production	486	285	369	493	450	486	514	621	711	733	716	665	6529
CRT net import	50	30	30	50	60	60	80	80	80	80	50	50	700
Available domestic CRT	436	255	339	443	390	426	434	541	631	653	666	615	5829

CRT Production Forecast

THOMSON	65	55	65	80	70	80	85	95	95	100	100	100	990
LPD-HE	65	50	60	65	55	70	75	80	80	80	80	78	838
LPD-OG	45	40	50	60	60	60	60	60	65	65	65	65	695
NOVEL	25	25	30	35	35	45	45	45	50	50	50	50	485
LRLOO	100	80	130	140	140	130	140	140	140	140	140	140	1560
BMOC	70	40	50	70	65	70	80	80	80	90	90	90	875
SDI	65	60	70	80	80	80	85	90	90	100	100	100	1000
SEG	50	35	50	50	50	50	50	50	60	60	60	55	620
CPT	10	20	20	30	40	45	45	50	50	50	50	50	460
Projected Total CRT Production	495	405	525	610	595	630	665	690	710	735	735	728	7523
Net export	60	70	90	90	85	90	100	100	100	100	70	60	1015
Current Month Difference between CRT Import and CRT Export	-10	-40	-60	-40	-25	-30	-20	-20	-20	-20	-20	-10	
Domestic Supply of CRT	435	335	435	520	510	540	565	590	610	635	665	668	6508
Monthly Difference between Supply and Demand	-1	80	96	77	120	114	131	49	-21	-18	-1	53	
CRT Inventory	695	775	871	948	1068	1182	1313	1362	1340	1322	1321	1375	
Inventory per Industry Exchanged Data	400	350	300	300	300	300	300	300	300	300	300	300	
Grey Inventory	295	425	571	648	768	882	1013	1062	1040	1022	1021	1075	

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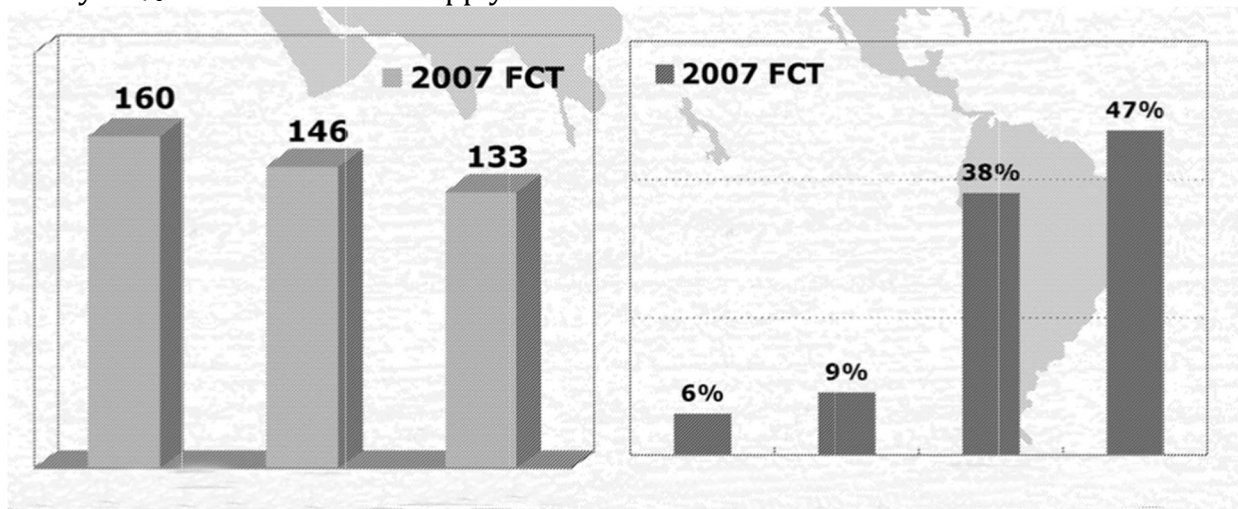
2007 Industry Supply and Demand Analysis Chart



[auto date]

2007 Summary of the Global Supply and Demand Relationship for CRT/Color TV

- With worldwide CRT industry reducing production and closing lines/plants, it is estimated that by 2006, the worldwide CRT supply will be approximately 160,000,000 pieces. Compared with the worldwide CRT demand of 150,000,000 sets of color TV, the CRT's supply and demand relationship maintains a state of equilibrium.
- The Chinese CRT industry's position in the worldwide market is becoming increasingly more prominent, accounted for nearly 50% of the worldwide supply.



Color Picture Tube Supply Color TV Production Color TV Demand Europe America Asia/Pacific Region China

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Thank You, Everyone!

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2007年Q1彩管行业总经理会议

西安
2007年1月23日

[auto date]

会议议程

- 9:00 ~ 9:30 邢总致欢迎辞、会长讲话
- 9:30 ~ 10:00 行业现状通报
- 10:00 ~ 11:00 与会领导发言
- 12:20 ~ 彩虹设午宴

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会议议题

- 2006年市场供求分析回顾
- 2007年Q1及2007年市场预测
- 彩管行业加强沟通与协作,共同迎接市场挑战
- 共谋彩管行业长远发展

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2006年供求关系分析

- 2006年行业处于恢复性增长。产量比2005年同比增长11.5%，销量同比增长6.7%，内销同比减少3.87%；库存同比增长128%。
- 国外彩管重组和关闭，使得国内彩管出口（包括一日游）增长27%。但是2006年彩管进口量大于预期值（净进口1112万），主要受马来西亚和泰国向国内倾销彩管的影响（由于此两地工厂已于'06年末关闭，对'07年影响有限）
- 由于彩电厂在第二季度提前采购，在第四季度消化战略库存，使得本年度彩管销售呈现淡季不淡，旺季不旺的局面。
- 由于供求变化使得彩管库存在第四季度逐月上升，截止年底超过300万。

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2006年市场供求分析表

2006年彩电彩管供求趋势

彩电厂生产预测

万只/万台

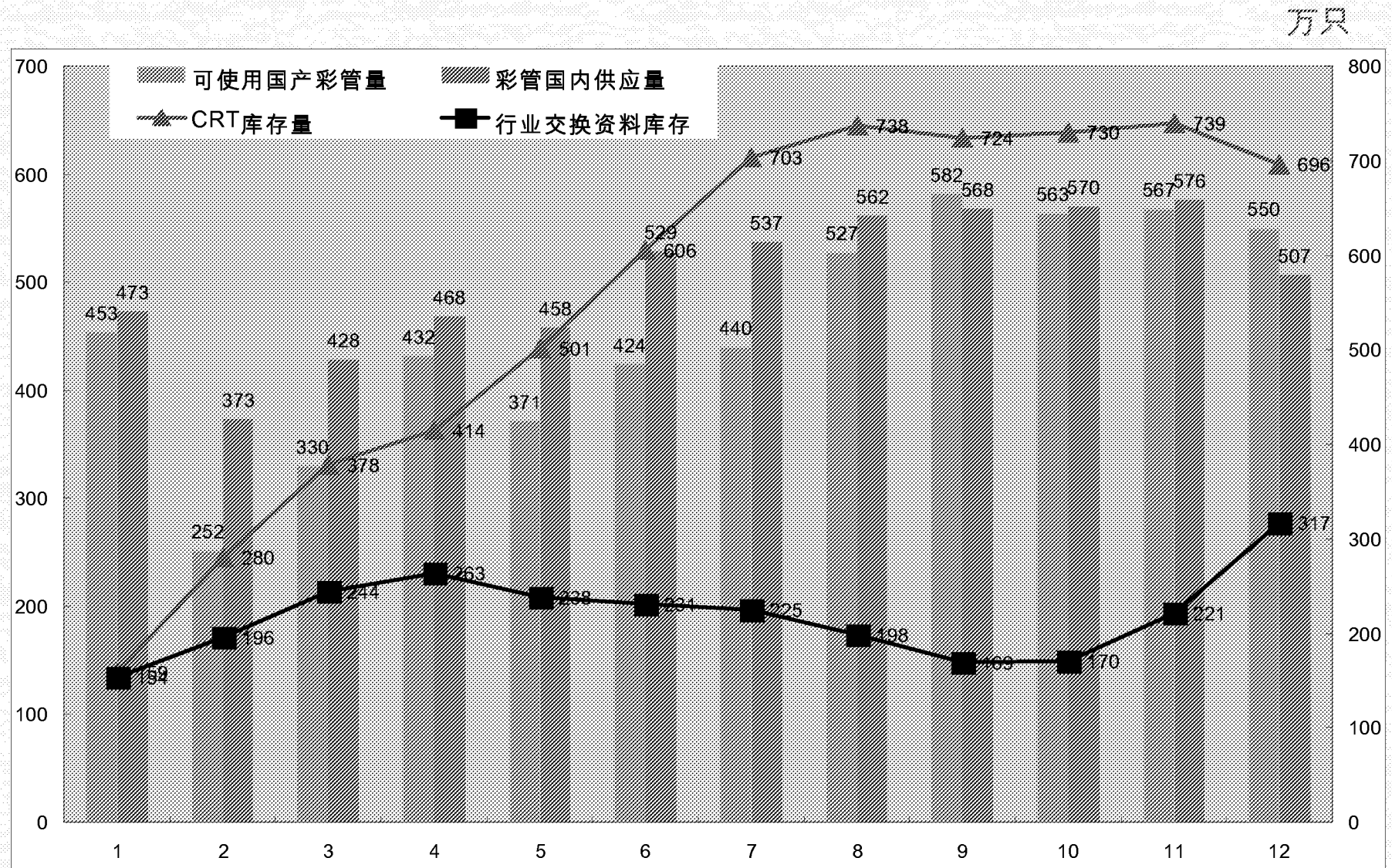
月份	06.01	06.02	06.03	06.04	06.05	06.06	06.07	06.08	06.09	06.10	06.11	06.12	预计
CHONGHONG	70	53	50	52	47	58	62	61	80	80	80	90	783
SKYWORTH	60	28	32	55	55	52	68	73	80	85	76	78	742
KONKA	75	40	35	60	50	67	70	74	90	100	105	105	871
TTE	95	60	107	111	90	95	92	113	119	120	110	95	1207
H.SENSE	55	13	20	50	45	59	50	65	75	75	72	80	659
HAIER	45	15	20	30	25	30	45	51	70	45	50	60	486
以上 TOTAL	400	209	264	358	312	361	387	437	514	505	493	508	4748
彩电生产推总	533	322	406	519	446	501	545	652	714	673	657	635	6604
其中净进口彩管量	80	70	76	87	75	77	105	125	132	110	90	85	1112
可使用国产彩管量	453	252	330	432	371	424	440	527	582	563	567	550	5492

彩管生产预测

THOMSON	75	59	69	80	69	78	83	99	100	93	86	80	971
LPD-HE	60	61	64	66	57	71	78	80	79	81	80	75	852
LPD-OG	57	54	60	58	60	64	59	64	63	62	63	50	714
NOVA	51	36	30	31	33	43	44	43	48	41	50	42	492
IRICO	99	79	109	117	111	130	130	135	135	135	132	112	1424
BMCC	71	63	75	74	72	77	82	83	77	88	80	70	912
SDI	78	62	68	79	92	96	105	105	105	102	96	79	1067
SEG	46	37	48	50	46	51	53	50	59	57	59	55	611
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库存量	5	84	134	151	263	375	478	540	555	560	518	379	

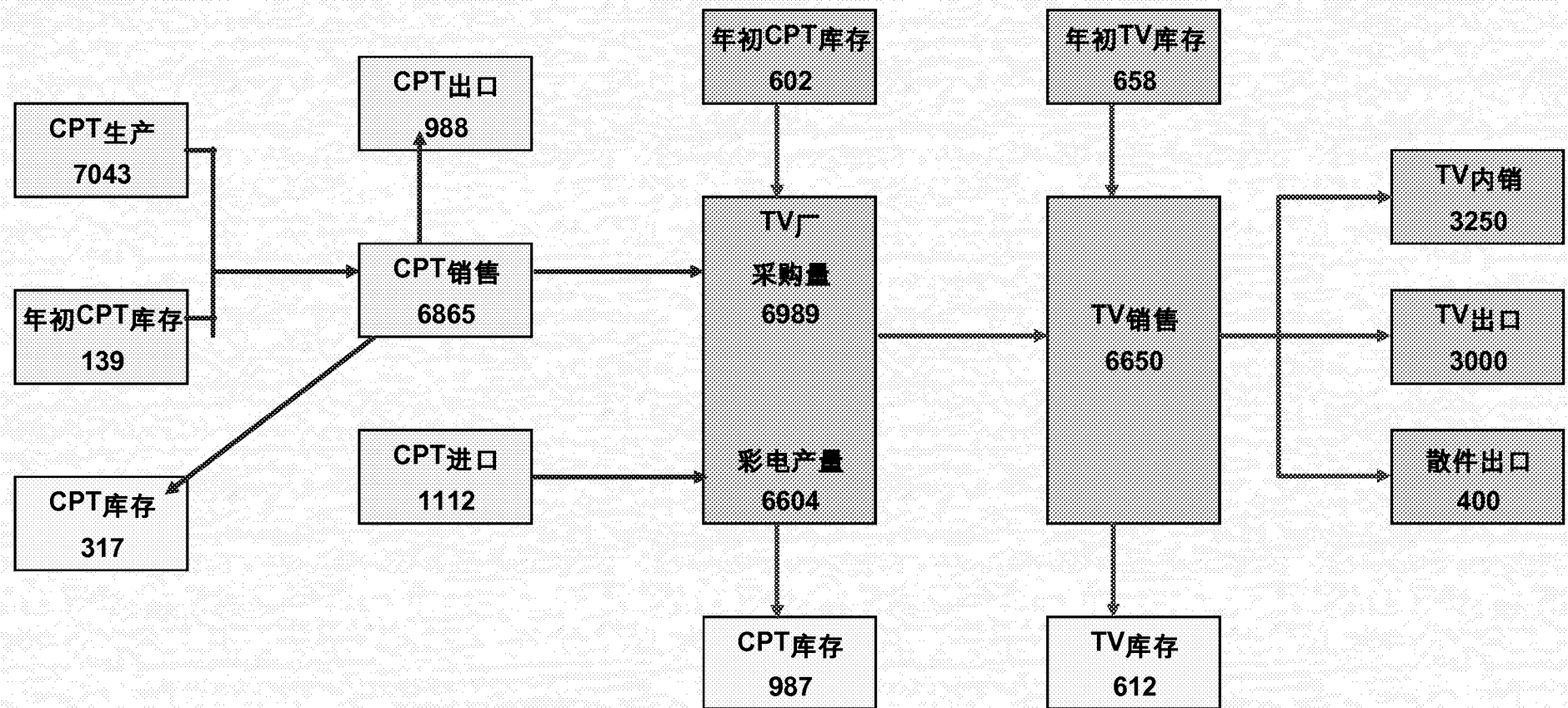
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2006年市场供求分析图



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2006年彩管供求关系平衡图



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2007年Q1市场预测

- 目前各家尚未对后续1Q的生产作出明确的计划，如果CRT行业仍满负荷生产，供求关系将进一步恶化，并且受原材料涨价影响，2007年Q1彩管销售将出现危机。
- 2007年的春节在2月中下旬，彩电销售旺季比往年延迟，同时彩电厂的彩管采购和彩电生产将更加谨慎,以限产压库为宗旨。
- 2007年中国彩管行业会有新加入者，产能将比2006年增加12.7% (1080万只)。

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2007年市场供求分析表

2007年CRT彩电彩管供求趋势

万只/万台

彩电生产预测

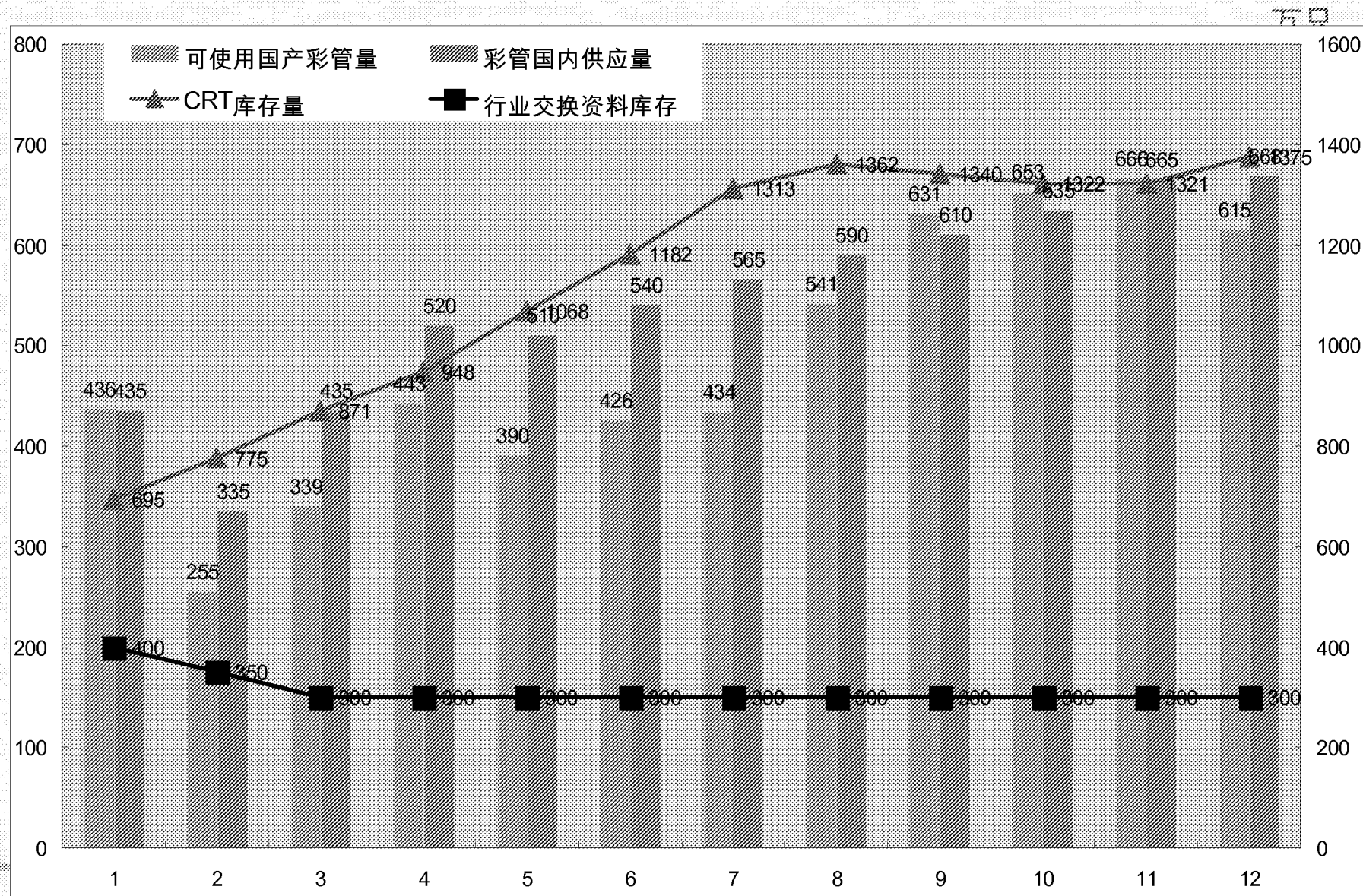
月份	07.01	07.02	07.03	07.04	07.05	07.06	07.07	07.08	07.09	07.10	07.11	07.12	预计
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KONKA	70	50	50	60	50	70	70	80	100	120	120	110	950
TTE	95	60	100	110	90	95	90	100	110	120	120	110	1200
HISENSE	50	15	20	50	45	50	50	65	75	75	75	80	650
HAIER	45	15	20	30	30	30	45	50	60	60	60	55	500
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可使用国产彩管量	436	255	339	443	390	426	434	541	631	653	666	615	5829

彩管生产预测

THOMSON	65	55	65	80	70	80	85	95	95	100	100	100	990
LPD-HF	65	50	60	65	55	70	75	80	80	80	80	78	838
LPD-OG	45	40	50	60	60	60	60	60	65	65	65	65	695
NOVA	25	25	30	35	35	45	45	45	50	50	50	50	485
IRICO	100	80	130	140	140	130	140	140	140	140	140	140	1560
BMCC	70	40	50	70	65	70	80	80	80	90	90	90	875
SDI	65	60	70	80	80	80	85	90	90	100	100	100	1000
SEG	50	35	50	50	50	50	50	50	60	60	60	55	620
OPT	10	20	20	30	40	45	45	50	50	50	50	50	460
彩管生产推总	495	405	525	610	595	630	665	690	710	735	735	728	7523
净出口	60	70	90	90	85	90	100	100	100	100	70	60	1015
本月彩管进出口差	-10	-40	-60	-40	-25	-30	-20	-20	-20	-20	-20	-10	
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CRT库存量	695	775	871	948	1068	1182	1313	1362	1340	1322	1321	1375	
行业交换资料库存	400	350	300	300	300	300	300	300	300	300	300	300	
彩色库存	295	425	571	648	768	882	1013	1062	1040	1022	1021	1075	

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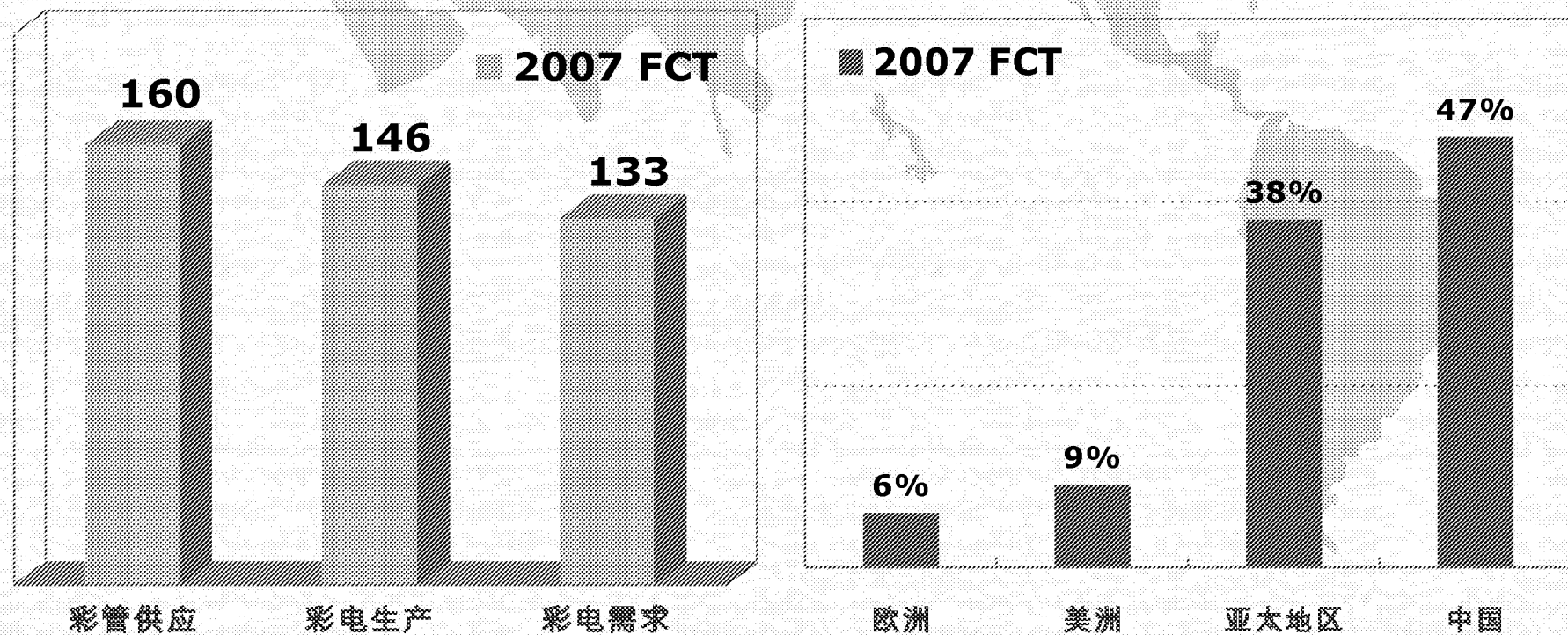
2007年市场供求分析图



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2007年全球彩管/彩电供求关系总述

- 全球彩管线体的减产及关闭线体, 预计到2006年, 全球彩管可供应量约有1亿6千万只, 相比CRT彩电全球1亿5千万台的总需求量, 彩管供求关系保持基本平衡状态。
- 中国彩管在全球的市场地位越来越重要, 供应量接近50%。



[auto date]

谢谢各位！

[auto date]

EXHIBIT 3

Exhibit 2

D ☐ P ☐ Exhibit 8418
Deponent Wang
Date 3/7/19 Rptr bw



June 29, 2018

Certification

Park IP Translations

This is to certify that the attached translation is, to the best of my knowledge and belief, a true and accurate translation from Chinese into English of the document with bates number range: IRI-CRT-00000232 – IRI-CRT-00000321.

A handwritten signature in black ink, appearing to read 'Hanna Kang'.

Hanna Kang

Project Manager

Project Number: BBLLP_1806_007

15 W. 37th Street 8th Floor
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Irigo Display Devices Co., Ltd.
600707
2007 Annual Report

CONFIDENTIAL

IRI-CRT-00000232

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Irico Display Devices Co., Ltd. 2007 Annual Report

VIII. Board of directors report

I. Discussion and analysis of management

(I) Review of the company's operation during the reporting period

1. Overall operation during the reporting period

This company's main business is the production, development, and management of color picture tubes. With breakthroughs in flat-screen TV technologies, the color picture tube television market share has exhibited a falling trend, and the color tube sector has been influenced accordingly. Facing this increasingly grim situation, the company is persisting in implementing a business development approach of "becoming stronger in color tubes and innovating the industry"; actively advancing the strategies of being driven by marketing, being led by overall costs, and being supported by new technologies; developing management innovations and technological innovations, accelerating the research and development of new products, optimizing production flows, and expanding product sales. Given the trend of the continued deterioration of the color tube sector's business environment, and while countering grave difficulties such as the drop in color tube prices and the sector's overall drop in sales, the company achieved a fairly good business performance compared to others in the domestic sector.

In 2007, company produced a total of 7,807,300 color picture tubes, for an increase of 8.92% compared to the previous year; it sold 7,228,800 color tubes, for an increase of 5.22% compared to the previous year, including the export of 1,227,800 units, for an increase of 4.95% compared to the previous year. During the reporting period, despite the rise in color tube sales compared to the previous year, due to the considerable drop in prices of the company's main products, there was a drop in operating revenue and the gross profit margin, and there was a considerable drop in all main financial indices compared to the previous year. 2007 saw operating revenue of 1,705,696,100 yuan, for a decline of 17.48% compared to the previous year; operating profits of -28,948,700 yuan, for a decline of 287.74% compared to the previous year; and net profits attributable to parent company shareholders of -38,433,600 yuan.

During the reporting period, to clarify industrial differentiation and highlight the company's main business, the company carried out work on the exchange and consolidation of major assets. Following the exchange of assets, the company will focus on the research and development, production, and sale of various display devices, including CRT, concentrating its energy on strengthening its main business. Following this exchange of assets, the company's color tube production lines were increased from 4 to 8, its variety of products was enriched (capable of producing a variety of color picture tubes, such as 37cm, 40cm, 54cm, 64cm, and 74cm), and its production capacity rose from its original 7,500,000 units to 16,000,000 units, to become China's largest manufacturer of color picture tubes and the third strongest in the global color tube sector. The large-scale increase in production capacity and improvement of the product structure has also solidified the company's domestic markets and has established a solid foundation for expansion into international markets.

2. The company's main business and operation status

(1) Table of main business by sector and product

Sub-sector or product category	Operating revenue	Operating costs	Operating profit margin (%)	Unit: yuan		Currency: RMB
				Change in operating revenue from previous year (%)	Change in operating costs from previous year (%)	
Color picture tubes	1,615,050,605.77	1,543,352,266.60	4.44%	-11.05%	-4.85%	Decrease of 623 percentage points
Deflection coils	82,006,665.72	69,794,202.78	14.89%	-66.59%	-70.20%	Increase of 10.31 percentage points

(2) Main business by region

(2) Main business by region

		Unit: 10,000 yuan	Currency: RMB
Region	Operating revenue	Change in operating revenue from previous year (%)	
Southwest region	28,167.05	-12.66%	
East China region	23,801.70	-18.82%	
South China region	81,988.86	-9.75%	
Northwest and other regions	7,256.99	-63.37%	
Overseas	29,355.01	-13.41%	

Irico Display Devices Co., Ltd. 2007 Annual Report

3. Main suppliers and customers

Unit: yuan Currency: RMB

Total purchase amount of top five suppliers	1,063,503,928.97	Proportion of total purchases	69.62%
Total sales amount of top five customers	1,170,692,917.98	Proportion of total sales	68.63%

4. Changes in company's asset and profit structure

1) Explanation of major changes in the company's asset and liability structure at the end of the reporting period

Unit: yuan Currency: RMB

Item	2007		2006		Change from previous year
	Amount	Proportion of total assets (%)	Amount	Proportion of total assets (%)	
Accounts receivable	665,112,104.96	32.56%	868,277,329.30	40.44%	Down 7.88%
Inventory	264,454,203.79	12.95%	183,667,047.92	8.55%	Up 4.40%
Investment real estate	4,696,564.26	0.23%	4,914,972.33	0.23%	--
Long-term equity investment	24,060,000.00	1.18%	133,088,165.45	6.20%	Down 5.02%
Fixed assets	900,177,421.85	44.07%	786,421,766.38	36.63%	Up 7.44%
Construction in progress	3,516,591.17	0.17%	2,005,222.00	0.09%	Up 0.08%
Intangible assets	22,538,690.46	1.10%	41,589,054.00	1.94%	Down 0.84%
Short-term loans	314,000,000.00	15.37%	300,000,000.00	13.97%	Up 1.40%
Total assets	2,042,414,249.22	100.00%	2,146,988,770.66	100.00%	--

(1) The main reason for the drop in accounts receivable was a drop in notes receivable.

(2) The main reason for the rise in inventory was a rise in stock commodities.

(3) The main reason for the drop in long-term equity investment was the company's implementation of assets reorganization during the reporting period, transferring all equity in Xianyang Irico Digital Display Co., Ltd. and Xi'an New Era Club Co., Ltd. to Irico Group Corporation.

(4) The main reason for the rise in fixed assets was the company's implementation of assets reorganization during the reporting period, purchasing equipment such as color tube production lines from Irico Group Electronics Co., Ltd.

(5) The main reason for the rise in construction in progress was the technical upgrades for this period were not rolled into fixed assets.

(6) The main reason for the drop in intangible assets was the company's transfer of all equity in Xi'an Irico Zixun Co., Ltd. to controlling shareholder Irico Electronics during the reporting period, which was not included in the consolidated financial statements for the second half of 2007, and the rolling out of its land use rights resulted in a drop in this company's intangible assets.

2) Explanation of changes in the company's expense structure during the reporting period

Unit: yuan Currency: RMB

Item	2007	2006	Change (%)
Sales expenses	75,909,007.24	77,592,062.51	-2.17%
Management expenses	36,753,935.60	43,884,420.65	-16.25%
Finance expenses	19,948,968.22	18,749,015.89	6.40%

XII. Directory of reference documents

1. Financial statements that contain the signatures and seals of the legal representative, the person in charge of accounting work and the person in charge of the accounting institution.
2. Original copy of the audit report that contains the seal of the accounting firm and the signatures and seals of the certified accountants.
3. Original copies of all company documents and original drafts of public announcements disclosed in the newspapers designated by China Securities Regulatory Commission during the report period.

Chairman of the Board of Directors (signature): Xing Daoqin

IRICO Display Component Co., Ltd. Board of Directors
April 23, 2008

彩虹显示器件股份有限公司

600707

2007 年年度报告

彩虹显示器件股份有限公司 2007 年年度报告

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彩虹显示器件股份有限公司 2007 年年度报告

八、董事会报告

一、管理层讨论与分析

(一)报告期内公司经营情况的回顾

1、报告期总体经营状况

本公司主营业务为彩色显像管的生产、开发与经营。随着平板电视技术的突破，彩色显像管电视市场份额呈现出下降的趋势，彩管行业也随之受到影响。面对更加严峻的形势，公司坚持落实“做强彩管、创新产业”的经营发展思路：积极推进营销拉动战略、总成本领先战略、新技术支撑战略；开展管理创新、技术创新，加快新品研发，优化生产流程，扩大产品销售。在彩管行业经营环境持续恶化的形势下，克服彩管价格下降、行业总体销量下降等重重困难，取得国内同行业中较好的经营业绩。

2007 年，公司累计生产彩色显像管 780.73 万只，比上年同期增长 8.92%；销售彩管 722.88 万只，比上年同期增长 5.22%，其中出口 122.78 万只，比上年同期增长 4.95%。报告期内彩管销售数量虽比上年增加，但是由于主要品种价格降低幅度较大，导致营业收入减少，毛利率降低，主要财务指标较上年同期均出现较大幅度的下滑。2007 年实现营业收入 170,569.61 万元，较上年同期减少了 17.48%；实现营业利润-2894.87 万元，较上年同期减少了 287.74%；实现归属于母公司股东的净利润-2843.36 万元。

报告期内，为了明确产业分工、突出公司主营业务，公司实施了重大资产置换整合工作。资产置换后公司将专注于包括 CRT 在内的各种显示器件的研发、生产和销售，集中精力做强主业。本次资产置换后，公司的彩管生产线由原有的 4 条增加到 8 条，产品品种更加丰富（可生产 37cm、40cm、54cm、64cm、74cm 等多个品种的彩色显像管），产能由原来的 750 万只增加到 1600 万只，成为中国最大的彩色显像管制造商，位居全球彩管行业排名前三强。产能的大幅提升和产品结构的完善，也为公司巩固国内市场和开拓国际市场打下了坚实的基础。

2、公司主营业务及其经营状况

(1)、主营业务分行业、产品情况表

单位：元 币种：人民币

分行业 或分产品	营业收入	营业成本	营业 利润率(%)	营业收入比 上年增减(%)	营业成本比 上年增减(%)	营业利润率比 上年增减
彩色显像管	1,615,050,605.77	1,543,352,266.60	4.44%	-11.05%	-4.85%	减少 623 个百分点
偏转线圈	82,006,665.72	69,794,202.78	14.89%	-66.59%	-70.20%	增加 1031 个百分点

(2)、主营业务分地区情况

单位：万元 币种：人民币

地区	营业收入	营业收入比上年增减(%)
西南地区	28,167.05	-12.66%
华东地区	23,801.70	-18.82%
华南地区	81,988.86	-9.75%
西北及其他地区	7,256.99	-63.37%
境外	29,355.01	-13.41%

彩虹显示器件股份有限公司 2007 年年度报告

3、主要供应商、客户情况

单位：元 币种：人民币

前五名供应商采购金额合计	1,063,503,928.97	占采购总额比重	69.62%
前五名销售客户销售金额合计	1,170,692,917.98	占销售总额比重	68.63%

4、公司资产和利润构成变动情况

1) 报告期末公司资产及负债构成发生重大变化的说明

单位：元 币种：人民币

项目	2007 年末		2006 年末		同比增减
	金额	占总资产的比重 (%)	金额	占总资产的比重 (%)	
应收款项	665,112,104.96	32.56%	868,277,329.30	40.44%	减少 788 个百分点
存货	264,454,203.79	12.95%	183,667,047.92	8.55%	增加 440 个百分点
投资性房地产	4,696,564.26	0.23%	4,914,972.33	0.23%	--
长期股权投资	24,060,000.00	1.18%	133,088,165.45	6.20%	减少 502 个百分点
固定资产	900,177,421.85	44.07%	786,421,766.38	36.63%	增加 744 个百分点
在建工程	3,516,591.17	0.17%	2,005,222.00	0.09%	增加 008 个百分点
无形资产	22,538,690.46	1.10%	41,589,054.00	1.94%	减少 084 个百分点
短期借款	314,000,000.00	15.37%	300,000,000.00	13.97%	增加 140 个百分点
资产总额	2,042,414,249.22	100.00%	2,146,988,770.66	100.00%	--

(1)、应收款项减少的主要原因是应收票据减少所致。

(2)、存货增加的主要原因是库存商品增加所致。

(3)、长期股权投资减少的主要原因报告期内公司实施了资产重组，将所持有的咸阳彩虹数码显示有限公司、西安新纪元俱乐部有限公司股权转让彩虹集团公司所致。

(4)、固定资产增加主要是由于报告期内公司实施了资产重组，从彩虹集团电子股份有限公司购入彩管生产线等相关设备所致。

(5)、在建工程增加主要是由于本期技改项目未转入固定资产所致。

(6)、无形资产减少主要是报告期内公司将所持西安彩虹资讯有限公司的全部股权转让给控股股东彩虹电子，2007 年下半年该公司未纳入合并报表，其土地使用权的转出使得本公司无形资产减少。

2) 报告期公司各项费用构成变动情况的说明

单位：元 币种：人民币

项目	2007 年度	2006 年度	增减比例 (%)
销售费用	75,909,007.24	77,592,062.51	-2.17%
管理费用	36,753,935.60	43,884,420.65	-16.25%
财务费用	19,948,968.22	18,749,015.89	6.40%

彩虹显示器件股份有限公司 2007 年年度报告

十二、备查文件目录

- 1、载有法定代表人、主管会计工作负责人、会计机构负责人签名并盖章的财务报表。
- 2、载有会计师事务所盖章、注册会计师签名并盖章的审计报告原件。
- 3、报告期内在中国证监会指定报纸上公开披露过的所有公司文件的正本及公告的原稿。

董事长(签名)：邢道钦

彩虹显示器件股份有限公司董事会
二〇〇八年四月二十三日

EXHIBIT 4



STATE of NEW YORK)
)
COUNTY of NEW YORK) SS:

CERTIFICATE OF ACCURACY

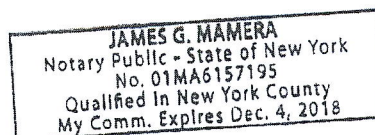
This is to certify that the attached document, "*Gang, Ding (2000, November 20). IRICO Won the Anti-Dumping Case. People's Daily. Retrieved from <http://www.people.com.cn/GB/channel3/23/20001120/318925.html> (Last visited on 9/14/18)*", originally written in *Chinese*, is to the best of our knowledge and belief, a true, accurate and complete translation into *English*.

Dated: September 17, 2018


Seth Wargo
Consortra Translations

Sworn to and signed before ME this
17th day of September,
2018.


Notary Public



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7/3/2018

IRICO won the anti-dumping case

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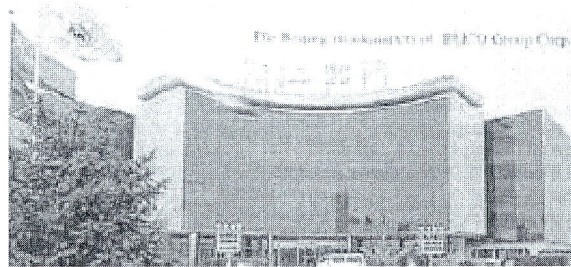
Retrieval

Home > Finance > Enterprises

20 November 2000 02:18

IRICO won the anti-dumping case

Reporter Ding Gang



Currently, anti-dumping is one of the means commonly employed by all countries in regulating trading process, but there are indeed acts involving foreign countries' adoption of discriminatory policies and abuse of anti-dumping against China. For example, unreasonable 'surrogate country' is used as the basis of decision when calculating the dumping margin. In the face of anti-dumping, it is necessary for the government to make representations more actively to seek for the opposite party's confirmation of China's 'market economy' status as soon as possible. On the other hand, enterprises should have greater awareness of self-protection and actively respond to litigation. IRICO's way of dealing with it may inspire Chinese enterprises in this connection.

--- The Editor

In early September, China National Electronics Import & Export Caihong Co. (belonging to IRICO Group), received a notice from the European Commission notifying that anti-dumping tax would not be imposed on China-made 14-inch color cathode ray tubes (CRT). One and a half month later, the decision was passed at the European Commission meeting, marking IRICO's victory in the anti-dumping litigation.

'We have to do it even if training is needed.'

The case was initiated by Philips last June. Philips determined that dumping margin of the China-made 14-inch color CRTs was 48.4% using India as the surrogate country. Other countries being prosecuted included India and Malaysia.

On hearing the news, the first thing which came to IRICO's mind was how to respond to the litigation. Three years ago when IRICO began to expand its export, Wu Weiren, the President of the Group said at the meeting that attention must be paid to anti-dumping if IRICO was to enter the international market. This time, it was less than 10 minutes after he started listening to the report that he slapped the table and decided: 'Answer the suit! This is the first time that the Group deals with anti-dumping in its history, we have to do it even if training is needed.' After that, they hired the experienced solicitors Lucas and Wang Lei of the Brussels-based Stanbrook & Hooper as representative attorney.

This was followed by the tight schedule of preparation work for the litigation. Solicitor Wang Lei, who has handled several anti-dumping cases for Chinese enterprises as a representative agent, said, 'I was deeply moved by the IRICO people's spirit. These people, whether from the finance or sales team, actively cooperate and would come over at every summon no matter if it is the weekend or late in the night and provide the information needed in no time.'

As a state-owned enterprise, IRICO is not eligible for 'market economy status' so a surrogate country needs to be selected by the EU for price comparison. IRICO's biggest concern is being compared with India as the surrogate country because of its relatively great differences with China. As the price of IRICO is considerably high, a comparison against India would certainly result in a very high dumping margin. Relatively speaking, Malaysia is the only one of all prosecuted countries which is relatively similar to China. The solicitor requested comparison against Malaysia in his legal defense.

The solicitor then made further analysis based on the data provided by IRICO and confirmed that IRICO was the only enterprise in China which exported these kind of products to Europe with export share much less than the Eurostat data used by Philips. Pursuant to the EU regulations, dumping is determined based on dumping margin as well as whether it causes damage including higher unemployment in EU enterprises and lower profits. IRICO's export volume to Europe constituted no damage at all. Therefore, China confirmed that the case will be handled with 'no damage' as the target. Our solicitor pointed out that the color CRTs exported to Europe cost approximately US\$30. The jointly-invested factory of the Philips produced with more advanced color CRT technology but it reported to customs that it cost US\$26. If the price of Philips was a normal international market price, it would be unfair to deem China as dumping at the said price!

'The Chinese side made excellent comments.'

The hearing was held in Brussels on 7 March this year. After the hearing commenced, the solicitor quoted a lot of data and facts to explain that exports from IRICO constituted no damages to Philips and stated that IRICO was the only enterprise in China which exported this kind of products to Europe.

Then Liang Yuan, the representative of IRICO, analyzed the reasons for the price fall of color CRTs in the European market. She said during the investigation period of the case (1997), the sale of color CRTs from Philips surged. Its factory in Spain made minor modifications to the color CRTs manufactured in South America and exported them to the European market as locally made products. At the same time, Philips had two additional production lines in Europe. In the late investigation period, Philips' profits returned to the level of its prime years. As facts show, the price fall in the European market was associated with Philips, and export from China caused no damages.

Many European Commission officials were astonished at the Chinese side's deep knowledge of the market conditions. They continued to ask questions so the hearing was extended from the original 40 minutes to 2 hours. An official said on-site that the Chinese side made clear arguments and agreed that investigations into the related issues should continue. After the hearing, the Europe representative said, 'The Chinese side made excellent comments.'

In the several months that followed, IRICO cooperated closely with the solicitors to fight based on the merits. Eventually, the European Commission changed their mind and overruled the original decision of imposing an

7/3/2018

IRICO won the anti-dumping case

11% anti-dumping tax. As a result, IRICO satisfactorily resolved the case they had dealt with for more than one year.

It was not by chance that IRICO won the case. It reflects that the pioneering color CRT manufacturer in China is extending its footprint to the international market aggressively.

Three years ago, IRICO decided on its development strategy: To catch up with the international standard and expand export volume for shortline products; Synchronous research and development of longline products at the international level and strive to surpass them. In recent years, IRICO invested several ten million dollars in joint research and develop of new products with Tsinghua University and remarkable results have been achieved. Wu Weiren said, 'We aimed at the international market when we started to research and develop these products. For market development of new products, IRICO must actively participate in the international competition through international cooperation and the launch of premium products. This is the only way to avoid the weird loop of anti-dumping.'

People's Daily (20 November 2000 Page 9)

Related news

- Trend of anti-dumping development and policies against China (20 November 2000 01:23)
- 6 major Chinese steel enterprises were prosecuted by the US for dumping (19 November 2000 13:49)
- Philips's 'anti-dumping' plot (22 September 2000 11:14)
- In the face of anti-dumping: Who shall prosecute and who will benefit (18 September 2000 14:56)
- Ministry of Commerce of the PRC Department of Foreign Trade: Chinese enterprises should also learn to fight against dumping (18 September 2000 13:49)
- Senior management of the Philips first states their stance: Anti-dumping hurts emotion of Chinese people (5 September 2000 14:53)
- More than 10% probability to win for counter-'anti-dumping' (21 August 2000 15:53)
- Advice should be given to EU anti-dumping solicitors (23 June 2000 16:57)



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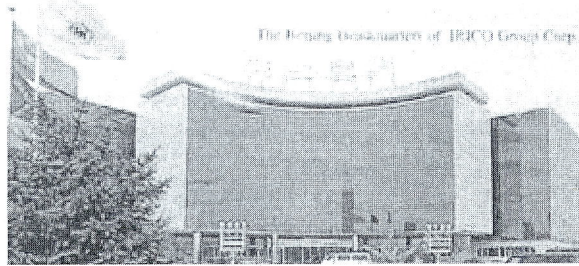
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2000年11月20日 02:18

彩虹打赢了反倾销官司

本报记者 丁刚



反倾销是当前世界各国规范贸易程序普遍采用的手段之一，但国外确实存在着对华采用歧视政策和滥用反倾销的行为，例如，在计算倾销幅度时采用不合理的“替代国”作为裁定依据等。面对反倾销，除了政府要加大交涉力度，让对方尽早确认中国“市场经济”地位之外，企业也要强化自保意识，积极应诉。彩虹的做法或许能给我国企业以启示。

——编者

9月初，中国电子进出口彩虹公司（属彩虹集团）接到欧盟委员会通知，对原产中国的14英寸彩色显像管不征收反倾销税。一个半月之后这一决定在欧盟理事会上获得通过，这标志着彩虹打赢了这场反倾销官司。

“就算是练兵，也要干”

此案是去年6月由飞利浦发起的，飞利浦以印度为替代国，认定中国14英寸彩管的倾销幅度高达48.4%。同时被诉的还有印度、马来西亚等国。

听到这个消息，彩虹首先想到的就是如何应诉。三年前，彩虹开始扩大出口时，集团总裁吴维仁就在会上讲过，彩虹要走向国际市场，就必须关注反倾销。这一次，他听取汇报不到10分钟，就拍桌子作出了决定：“应诉！这是集团有史以来第一次应对反倾销，就算是练兵也要干。”随后，他们聘请了富有经验的布鲁塞尔史德华律师事务所的鲁考夫和王磊为代理律师。

紧张的应诉准备工作开始了。曾多次为中国企业代理反倾销应诉的王磊律师说：“彩虹人的精神令我们深为感动。无论是周末还是夜晚，不论是管财务的，还是管销售的，都是随叫随到，积极配合，非常迅速地拿出有关资料。”

因为是国企，彩虹不能获得“市场经济地位”，只能由欧盟选定一个替代国来做价格比较。彩虹最担心的就是拿印度来做替代，印度与中国差别较大，彩管价格相当高，与其相比，倾销差额必然很高。比较而言，在被诉国中只有马来西亚与中国比较接近。律师进而提出法律抗辩，要求用马来西亚做替代。

接着，律师又根据彩虹提供的数据作了进一步分析，确定彩虹是中国唯一对欧出口此类产品的企业，出口份额要比飞利浦借用的欧洲统计局数据少得多。依据欧盟法规，倾销的认定除要看倾销幅度，还要看是否对欧盟企业造成失业增加、利润下降等方面的损害。而彩虹的对欧出口量根本不构成损害。由此，中方确定了以“无损害”为目标的应诉方案。我方律师指出，彩虹销往欧洲的彩管价格为30美元左右，而飞利浦合资厂生产的彩管技术更为先进，在中国海关的报价却是26美元。如果飞利浦的价格是正常的国际市场价格，而中国的价格却被视为倾销，哪里还有公正可言！

“中方的发言太精彩了”

今年3月7日，听证会在布鲁塞尔举行。听证会开始后，律师列举了大量数据和事实，说明彩虹的出口对飞利浦无损害，并指出彩虹是中国唯一对欧出口此类产品的企业。

接着，彩虹的代表梁援还分析了欧洲市场上彩管价格下跌的原因。她说，在本案调查期内（1997年），飞利浦彩管销量猛增，其在西班牙的一家工厂对南美生产的彩管做微小改动就算作本地生产，投放欧洲市场。同时，飞利浦在欧洲还增加了两条生产线。调查期最后一段时间，飞利浦赢利回到了最好年份的水平。事实表明，欧洲市场价格下跌与飞利浦有关，中方出口并未造成损害。

中方对市场情况如此了解，使不少欧委会官员深感意外。他们不断提问，使预计40分钟的听证延长至两个小时。有官员当场称中方论点清楚，并同意就有关问题继续调查。欧方代表会后称赞说：“中方的发言太精彩了。”

在以后的几个月里，彩虹又与律师紧密合作，据理力争，最终使欧委会改变了初裁征收

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11%反倾销税的决定。至此，彩虹一年多的应诉有了圆满结果。

彩虹的胜诉并不是偶然的，它从侧面反映出，这个中国彩管生产的老大正在雄心勃勃地向国际市场推进。

三年前，彩虹集团确定了发展战略：短线产品赶上国际水平，扩大出口；长线产品的研发与国际水平同时起步，争取领先。彩虹近年来投入了数千万元，与清华大学合作开展新品研究与开发，成果显著。吴维仁总裁说：“一开始研制这些产品，我们就盯着国际市场。在新品的市场开发方面，彩虹要拿出拳头产品，通过加强国际合作积极参与国际竞争，这样才能摆脱总被反倾销的怪圈。”

《人民日报》（2000年11月20日第九版）

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EXHIBIT 5




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)
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SS:


CERTIFICATE OF ACCURACY

This is to certify that the attached document, "IRI-CRT-00003490 – IRI-CRT-0003497", originally written in *Chinese*, is to the best of our knowledge and belief, a true, accurate and complete translation into *English*.

Dated: December 17, 2018


Seth Wargo
Consortra Translations

Sworn to and signed before ME this
17th day of December,
2018.


Notary Public

JAMES G MAMERA
Notary Public - State of New York
No. 01MA6157195
Qualified in New York County
My Commission Expires Dec. 4, 2022

D ☐ P ☐ Exhibit 8392
Deponent ZUANG
Date 3/4/19 Rptr AT

Your
legal
translation
partner 

IRICO Group Corporation Auditing Department Document

IRICO Auditing (2001) No.1

A Brief on Auditing Results for IRICO (USA) Inc.

To IRICO Group Corporation,

Under the instructions from IRICO Group Corporation leadership, our department assembled a three-person audit team led by department head ZHANG Xingxi and we served an audit notice to IRICO (USA) Inc. via fax on 27 April 2001. The audit team arrived in Fremont, California, USA on 27 May shortly before commencing field audit work. First of all, the audit team requested LIU Feng, General Manager of IRICO (USA) Inc., to supply documents and filings that are required to perform the audit, such as accounting documents, accounting books, and financial statements dating back to the year when the company was incorporated. However, the company's General Manager LIU Feng claimed that, before 1998, the company's finance function had been controlled by HUANG Xueli, the shareholder acting on behalf of the company's US investors and they didn't hand over accounting records when they pulled out of the company in 1998, and hence he could not supply such records. With regard to accounting records dated after 1998, General Manager LIU Feng alleged because the company was transferred to INB on 10 April 2001, which meant that all property of the original company including such records are in the possession of the acquirer and the acquirer's consent is required in order to access such records. After repeated negotiations initiated by the audit team, LIU Feng only provided records as follows:

1. Stubs of checks written by the company to external parties from 1 January 1998 to 30 April 2001;
2. Bank statements from 1 January 2000 to 30 April 2001;
3. IRICO (USA) Inc.'s Sale and Purchase Agreement;
4. A photocopy of the Resolutions of the 2nd-term Board of Directors, IRICO (USA) Inc.

Given that IRICO (USA) Inc. was already sold to US-based INB by LIU Feng without authorization on 10 April 2001, LIU Feng refused to provide accounting records required for the performance of the proposed audit, such as annual financial reports and accounting documents that are related to the company's business operations. As a result, the basic requirements for the performance of an audit could not be met. And given limitations on auditor's statutory duties and powers as well as means of inspection, the financial statements of IRICO (USA) Inc. under the audit, which would truly reflect its accounting information and lead to complete and accurate audit results, could not be revealed, making it impossible for the audit team to duly carry out its audit work. As a result, the audit team could only conduct some partial investigations over IRICO (USA) Inc. based on limited materials provided by LIU Feng, such as check stubs, some bank statements, and IRICO (USA) Inc.'s Sale and Purchase Agreement.

In carrying out the investigations, the audit team has mainly performed the following tasks in relation to the materials provided by LIU Feng:

1. Recorded each stub of checks written by the company since 1998;
2. Categorized the expenses by economic activity in line with the available stubs of checks;
3. Checked bank statements from 1 January 2000 to 30 April 2001 one by one;
4. Checked corporate credit card expenses with transaction value above 1,000 US dollars since 1998;
5. Reviewed IRICO (USA) Inc.'s Sale and Purchase Agreement signed by LIU and sought advice from a local law firm in relation to the content of the agreement;
6. Conducted inquiries and consultations with relevant US authorities in relation to company profile, shareholder identities, and corporate credit profile of the acquirer INB Co..

I. Company Profile

Based in Fremont, California, USA, IRICO (USA) Inc. was initially established as a joint venture between IRICO Group Corporation and its US partners. Incorporated in July 1995, the company had registered capital of 1.75 million US dollars. In particular, China National Electronics Imp & Exp Caihong Co. had a 34.3% stake in the company by contributing 600,000 US dollars in cash; Caihong (Hong Kong) Co. had a 45.7% stake in the company by contributing 800,000 US dollars in cash; HUANG Xueli had a 10% stake (including awarded performance shares worth 50,000 US dollars) by contributing 125,000 US dollars in cash, totalling 175,000 US dollars in cash; HUANG Maike had a 10% stake by contributing 175,000 US dollars in cash. In October 1995, IRICO Group Corporation dispatched LIU Feng and ZHU Jian to the US. ZHU Jian hasn't been to the US since March 1997 due to visa issues.

According to LIU Feng, an agreement was reached on 26 February 1998 for the US investors MS HUANG Xueli and MR HUANG Maike to unload their shareholdings in the company as collaboration with the siblings had been allegedly extremely difficult. And the brother and the sister refunded capital in the amount of 1 million US dollars to the company in 1998. Since then, the company has been entirely run by us, with LIU Feng solely in charge. During the audit, it was found that LIU Feng obtained permanent resident visa (green card) in the US on 20 July 2000. On 10 April 2001, the company was sold by its general manager LIU Feng to US-based INB Co. without authorization.

II. Company revenue and expenditures

1. Situation Prior to 1998

As LIU Feng failed to supply accounting documents for the company dated before 1998, the audit team could not verify the company's operational results prior to 1998.

2. Situation since 1998

① Based on check stubs provided by LIU Feng, the company posted expenditures of 914,670.45 US dollars cumulatively from 1 January 1998 to 30 April 2001;

② Based on check stubs from the company's opening bank as supplied by LIU Feng, the company procured fixed assets worth 40,417.48 US dollars cumulatively from 1 January 1998 to 30 April 2001;

③ As the company did not provide bank statements for 1998 and 1999, the audit team could not verify its operating revenue, fund investment gains or interest income during both years. Based on bank statements from the company's opening bank as supplied by LIU Feng, the company posted operating revenue of 122,943.00 US dollars and operating costs of 112,896.00 US dollars from 1 January 2000 to 30 April 2001, respectively.

④ Based on bank statements from the company's opening bank as supplied by LIU Feng, the company posted interest income of 12,105.59 US dollars from 1 January 2000 to 30 April 2001, including:

10,444.06 US dollars in 2000

1,661.53 US dollars in 2001.

⑤ Based on bank statements and fixed asset lists, the company had net assets of 119,581.42 US dollars as of 30 April 2001, including:

Net value of fixed assets of 30,364.17 US dollars

Bank deposits of 89,217.25 US dollars.

III. Investigations over Sale and Purchase Agreement

IRICO (USA) Inc. was sold to US-based INB Co. by LIU Feng on 10 April 2001. As far as the Sale and Purchase Agreement provided by LIU Feng is concerned, the audit team entrusted Mr. SHI Xiaodong, General Manager of San Francisco-based container service unit of China Ocean Shipping (Group) Company, to seek legal consultation with law firm Morrison and Foerster LLP.

According to Cedric C. Chao, a lawyer at Morrison and Foerster LLP, the signing process and basis of the agreement itself complied with US laws.

Taking into account the lawyer's opinions, the audit team believes that the Sale and Purchase Agreement signed by LIU Feng violated the parent company's intent and damaged the parent company's interests in the following ways:

1. It is against the spirit and intent of the resolutions reached by the IRICO (USA) Inc.'s Board of Directors on 9 March 2000. IRICO (USA) Inc.'s Board of Directors fully entrusted LIU Feng to sell the company on 9 March 2000 under the conditions that the transaction price shall be 1 million US dollars and total consideration for the deal shall be delivered by 31 December 2000 at the latest. The Board of Directors did not authorize the provision in the agreement signed by LIU Feng that IRICO Group Corporation shall support the company to realize annual net profit of 700,000 US dollars as a condition. That was tantamount to selling the company for free and resulted in asset losses on the part of IRICO (USA) Inc.

2. As the company name IRICO (USA) Inc. was also transferred to the acquirer as part of the deal, the acquirer would continue to use the corporate name IRICO (USA) Inc. to conduct business. In case the acquirer is engaged in any improper or illegal operating activity, it would damage the reputation of IRICO Group Corporation to some extent. And in case that IRICO Group Corporation plans to start a subsidiary again in the US, it would not be able to use the name IRICO (USA) Inc. any longer.

As far as the agreement signed by LIU Feng is concerned, Cedric C. Chao advised that we could sue LIU Feng and the acquirer INB Co. on the ground that "LIU Feng signed the Sale and Purchase Agreement against the spirit and intent of the resolutions reached by the IRICO (USA) Inc.'s Board of Directors on 9 March 2000", demanding to terminate the performance of the agreement.

Nonetheless, if the dispute concerning the selling of IRICO (USA) Inc. is to be resolved via a lawsuit in the US, IRICO Group Corporation would have to pay legal fees of a significant amount. According to Cedric C. Chao, a lawsuit that costs 100,000 US dollars in legal fees is commonplace in the US.

In order to appropriately handle this issue, the audit team sought consultations with Mr. SHI Xiaodong, General Manager of San Francisco-based container service unit of China Ocean Shipping (Group) Company and the latter's Financial Director, MS ZHOU Yuzhen. They think it is fairly easy to register a company in the US and pursuing a lawsuit in the US that involves hefty legal fees would be meaningless and unworthy since currently IRICO (USA) Inc. was only a shell company without property investments or any debt dispute in the country.

In order to get more information about the acquirer, the audit team visited a number of agencies of the California government to make inquiries about INB Co.. Incorporated on 24 October 1997, INB's registered address is 3695 STEVENSON BLVD BLD STE 236 FREMONT, CA 94538. According to a corporate filing with the California state government dated 12 January 1998, INB had only one shareholder, LIU Feng, with equity capital of 50,000 US dollars. In a corporate filing dated 18 March 1998, INB's CEO, secretary, and financial director positions were all assumed by LIU Feng. In a corporate filing dated 7 May 2001, the person assuming general manager, secretary, and financial director positions at INB changed into SUN Xiaolin.

According to LIU Feng, he initially established INB Co. and held a stake in the company on behalf of Hong Kong resident SUN Xiaolin, before having the company transferred to SUN Xiaolin on 30 March 2001. Later on, LIU Feng, on behalf of IRICO Group Corporation, signed the IRICO (USA) Inc.'s Sale and Purchase Agreement with SUN Xiaolin on 10 April.

IV. Outstanding issues

1. LIU Feng sold IRICO (USA) Inc. without authorization and refused to provide materials requested by the auditing department for the performance of the proposed audit, such as annual financial reports and accounting documents related to the company's business operations, making it impossible for the audit team to duly carry out its audit work. Such actions constituted serious violation of the company's rules and policies.

2. By reviewing the stubs of checks written by the company since 1998, the audit team found that the company paid 400,000 US dollars in three batches in April 1999, for the purposes of short-term fund investments and expenses related to the company's electronics, tooling, and other businesses in 1998 and 1999.

However, the audit team could not verify related revenue as LIU Feng refused to provide relevant financial statements.

3. As the general manager of IRICO (USA) Inc., LIU Feng sold the company to US-based INB Co. without approval from IRICO Group Corporation, resulting in losses of state-owned assets. Such an action constituted the violation of regulations related to supervision and management of state-owned enterprises' assets.

4. IRICO (USA) Inc.'s Sale and Purchase Agreement hurt the interests of IRICO Group Corporation. First of all, pursuant to the resolutions of the 2nd-term Board of Directors, IRICO (USA) Inc., LIU Feng was entrusted to sell the company for 1 million US dollars, but the terms of the agreement dictate that IRICO Group Corporation shall support the company to realize annual net profit of 700,000 US dollars as a condition, which not only runs contrary to the original intention of the resolutions but also results in asset losses on the part of IRICO Group Corporation. Second, in case the acquirer is engaged in any improper or illegal operating activity, it would damage the reputation of IRICO Group Corporation to some extent as the company name IRICO (USA) Inc. was also transferred to the acquirer as part of the deal and the acquirer continues to use the corporate name IRICO (USA) Inc. to conduct business.

5. In a corporate filing with California state government dated 18 March 1998, the acquirer INB's CEO, secretary, and financial director positions were all assumed by LIU Feng and the person assuming general manager, secretary, and financial director positions at INB was changed into SUN Xiaolin in a corporate filing dated 7 May 2001.

V. Suggestions

LIU Feng was apparently involved in suspected violations of laws and discipline, though there is insufficient evidence for now. To investigate LIU Feng's wrongdoings, there exist two major challenges: first, LIU Feng lives in the US, he holds a Green Card, it is impossible he would return to China; second, evidence collection would involve US laws, which suggests too many big obstacles and hefty costs, making it hard to do. To pursue a civil case, IRICO Group Corporation would have to pay a significant amount of US dollars for legal fees, which makes little sense as the potential gains could not make up for the losses.

013

If IRICO Group Corporation takes administrative actions against LIU Feng in accordance with relevant management processes, such as removing LIU Feng's employee status, it could be the best outcome for him as such a scenario is what he desires. Therefore, if there exist other potential solutions, any immediate administrative actions should be refrained.

Given the above reasoning, we have following recommendations in relation to IRICO (USA) Inc. and LIU Feng's situation:

1. As LIU Feng sold IRICO (USA) Inc. without an approval from IRICO Group Corporation, which was against the parent company's intent and damaged the parent company's interests, it is advisable to not acknowledge IRICO (USA) Inc.'s Sale and Purchase Agreement signed between LIU Feng and INB while awaiting an opportunity to pursue and reserve the rights to pursue legal action against LIU Feng;

2. Continue to negotiate with LIU Feng, urging him to immediately terminate the Sale and Purchase Agreement he signed with INB Co. and execute the resolutions reached by the IRICO (USA) Inc.'s Board of Directors on 9 March 2000 by selling the company at the price of 1 million US dollars.

3. IRICO Group Corporation should take administrative actions against LIU Feng in accordance with relevant management processes at an appropriate time.

4. As efforts aimed at dealing with IRICO (USA) Inc. and LIU Feng's situation would involve cross-border issues and any international legal actions would be confronted with deep policy implications and too many thorny obstacles, coupled with limitations on statutory duties and powers as well as means of inspection, it would be very hard for IRICO Group Corporation to pursue this case. It is recommendable to seek advices from relevant higher-level authorities on how to deal with it.

27 July 2001
Auditing Department
(Chop) IRICO Group Corporation

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彩虹集团公司 审计部文件

彩审[2001]1号

关于彩虹（美国）公司审计情况汇报

彩虹集团公司：

根据集团公司领导的指示，我部组成了以部长仇兴喜为组长的三人审计小组，2001年4月27日我部以传真的方式向彩虹（美国）公司下达了审计通知。审计小组于5月27日到达美国加利福尼亚州福利蒙特市，随即展开审计工作。首先审计小组要求公司总经理刘丰提供自公司成立以来历年的会计凭证、帐簿和财务报告等实施审计所必需的资料。但刘丰总经理称，1998年以前，公司的财务是由美方股东黄雪莉控制，98年美方撤股时，未将会计资料移交我方，因而无法提供；98年以后的会计资料因公司已在2001年4月10日转让给INB公司，原公司的一切物品归受让方所有，若要求提供须经受让方同意。经过审计小组多次交涉，刘丰仅提供了以下资料：

1



由 扫描全能王 扫描创建

1. 1998年1月1日至2001年4月30日公司对外开具的支票存根;
2. 2000年1月1日至2001年4月30日的银行对帐单;
3. 彩虹(美国)公司转让合同;
4. 彩虹(美国)公司第二届董事会决议(复印件);

由于刘丰将彩虹(美国)公司已在2001年4月10日擅自转让给美国INB公司,刘丰对审计所需的与经营活动有关的财务决算报表、会计凭证等会计资料不予提供,无法满足审计最基本的条件,受法定职责、权限和检查手段的局限,无法揭示被审计的彩虹(美国)公司会计报表反映会计信息的真实情况,作出完整、正确的审计结果,使正常的审计工作无法进行。审计小组只能根据刘丰所提供的支票存根和部分银行对帐单、彩虹(美国)公司转让合同等资料对彩虹(美国)公司的一些情况进行调查了解。

在调查了解实施过程中审计小组主要对其提供的资料进行了以下工作:

1. 对其所提供1998年以来支出的支票存根进行了逐一登记;
2. 对登记的支出按支票存根所列的经济内容进行了分类;
3. 对2000年1月1日至2001年4月30日银行对帐单进行了逐一核查;
4. 对98年以来1000美元以上的公司信用卡支出进行了核查。
5. 对其所签定的公司转让合同进行了审查,并就合同内容咨询了当地的律师行。
6. 对受让方 INB 公司的基本情况以及股东、公司资信等情况



向美国政府有关部门进行了调查咨询。

一、公司基本情况

彩虹（美国）公司是集团公司与美方合资成立的合资公司，地址位于美国加利福尼亚州福利蒙特市。公司成立于1995年7月，注册资本175万美元，其中：彩虹进出口公司投资60万美元现金，占34.3%股权；彩虹（香港）公司投资80万美元现金，占45.7%股权；黄雪莉投资12.5万美元现金，送其干股5万美元，合计17.5万美元，占10%股权；黄麦克投资17.5万美元现金，占10%股权。1995年10月彩虹集团公司派刘丰、竺简赴美。1997年3月以后竺简因签证问题在没有去美国。

据刘丰反映由于与合资外方黄氏兄妹的合作极为困难，1998年2月26日与外方达成协议，美方从公司撤股，并在1998年一年内归还我方100万美元资本金。自此，该公司转由我方独自经营，由刘丰一人负责，审计调查时得知刘丰于2000年7月20日取得美国永久居住身份（绿卡）。2001年4月10日公司被总经理刘丰擅自转让给美国INB公司。

二、公司财务收支情况

1. 1998年以前的情况

由于刘丰未能提供1998年以前的公司会计资料，因此，无法对1998年以前的经营情况进行核实。

2. 1998年以来的情况

① 据刘丰提供的支票存根资料，公司自1998年1月1日



至 2001 年 4 月 30 日累计发生费用 914,670.45 美元。

② 根据刘丰提供的公司开户银行支票存根,公司自 1998 年 1 月 1 日至 2001 年 4 月 30 日累计购置固定资产 40,417.48 美元。

③ 由于公司未提供 98、99 年度的银行对账单,其 98、99 年度的经营收入、基金投资收益和利息收入等无法核实。依据刘丰提供的公司开户银行 2000 年和 2001 年银行对账单,公司 2000 年 1 月 1 日至 2001 年 4 月 30 日累计主营业务收入 122,943.00 美元,累计主营业务成本 112,896.00 美元。

④ 依据刘丰提供的公司开户银行 2000 年和 2001 年银行对账单,公司 2000 年 1 月 1 日至 2001 年 4 月 30 日利息收入 12,105.59 美元。其中:

2000 年 10,444.06 美元

2001 年 1,661.53 美元

⑤ 依据刘丰提供的公司开户银行对账单和固定资产清单,截止 2001 年 4 月 30 日,公司净资产 119,581.42 美元。其中:

固定资产净值 30,364.17 美元

银行存款 89,217.25 美元

三、 合同调查情况

2001 年 4 月 10 日彩虹(美国)公司被刘丰转让给美国 INB 公司。根据刘丰所提供的转让合同书,审计小组委托中国远洋运输(集团)总公司在旧金山所设的集装箱服务有限公司总经理石小东先生,找到美国美富律师事务所对该合同进行了法律方面的



咨询。该律师事务所赵启民律师认为就合同本身来讲，合同签定的程序、依据均符合美国的法律。

综合律师的意见，审计小组认为刘丰所签订的转让合同有以下方面是违背了集团公司意愿并损害了集团公司利益的：

1、不符合彩虹（美国）公司 2000 年 3 月 9 日董事会决议精神和意愿。彩虹（美国）公司 2000 年 3 月 9 日董事会全权委托刘丰出让彩虹（美国）公司，是以 100 万美金的价格出让，且转让资金收回最迟应在 2000 年 12 月 31 日前，并没有象刘丰所签订的合同中所写的同时要彩虹集团公司每年支持其 70 万美金利润作为前提。这实际上是变相将公司无偿转让了，并造成彩虹（美国）公司资产的损失。

2、由于彩虹（美国）公司转让的同时“彩虹（美国）公司”的名称也被转让了，受让方继续使用彩虹（美国）公司来做生意，如有不正当或非法经营行为将会给彩虹集团的声誉造成一定的损害。例如彩虹集团再来美国投资注册公司将不能使用“彩虹（美国）公司”这个名称。

对于刘丰转让彩虹（美国）公司所签定的合同，美国律师事务所赵启民律师认为可按“刘丰没有按照彩虹（美国）公司 2000 年 3 月 9 日董事会决议精神和意愿签定了本转让合同”为理由起诉刘丰和买方 INB 公司，终止其合同的执行。

但如在美国通过法律诉讼打官司解决彩虹（美国）公司转让一事，彩虹集团将要支付一笔相当数额的美金，按美国律师赵启



民所说，在美国打一场官司花 10 万美金是一件很平常的事。

就此问题审计小组又专门与中国远洋运输（集团）总公司在旧金山所设的集装箱服务有限公司总经理石小东先生、财务总监周玉珍女士进行了交谈咨询。他们认为在美国注册公司是一件很容易的事情，如目前彩虹（美国）公司在美国没有不动产投资，没有债权债务纠纷，仅仅是一个空壳公司，在美国起诉打官司花上一大笔律师费，意义不大，得不偿失。

为了解受让方公司的情况，审计小组先后到加州政府多个部门查询 INB 公司的情况。INB 公司成立于 1997 年 10 月 24 日，注册地点是 3695 STEVENSON BLVD BLD STE 236 FREMONT, CA 94538。1998 年 1 月 12 日上报州政府的公司资料显示只有一名股东为刘丰，股本 50,000 美元。1999 年 3 月 18 日上报资料中公司 CEO、秘书、财务总监均为刘丰，2001 年 5 月 7 日公司上报的资料将总经理、秘书、财务总监变更为孙晓林。

据刘丰讲：INB 公司是香港人孙晓林委托他注册成立并持股，直到 2001 年 3 月 30 日才被其转到孙晓林名下的。4 月 10 日他又代表彩虹与孙晓林签定了转让彩虹（美国）公司的。

四、存在的问题

1、刘丰将彩虹（美国）公司擅自转让并拒绝向审计部门提供所需的与经营活动有关的财务决算报表、会计凭证等审计资料，使正常的审计工作无法进行，是严重的违规违纪行为。

2、从刘丰所提供的 1998 年以来支出的支票存根中审计小组发



现, 公司99年4月分三次支付40万美元, 用于短期基金投资和98、99年度经营电子产品、模具等业务的费用支出, 因刘丰不提供有关财务帐目, 所以无法对此收益情况进行核实。

3、公司总经理刘丰未经集团公司同意, 于2001年4月10日擅自将彩虹(美国)公司转让给美国INB公司, 造成国有资产流失, 违反了国有企业财产监督管理的有关规定。

4、转让公司的合同中, 损害了彩虹集团公司的利益。首先, 第二届董事会决议委托其以100万美元转让, 而合同中却以彩虹集团须每年支持其获得70万美元的利润为条件, 不仅违背了董事会决议的原意, 而且使公司资产造成损失; 其次, 在转让的同时“彩虹(美国)公司”的名称也被转让了, 受让方继续以彩虹(美国)公司的名称经营, 如有不正当或非法经营行为将会给彩虹集团的声誉造成一定的损害。

5、在1999年3月18日上报加州政府资料中受让方INB公司的CEO、秘书、财务总监均为刘丰, 2001年5月7日公司上报的资料才将总经理、秘书、财务总监变更为孙晓林。

五、建议

刘丰涉嫌违法违纪问题明显, 但目前证据不足。刘丰问题如要查证有两大难点: 一是刘丰在美国, 持有绿卡, 不可能再回国; 二是取证涉及到美国的法律问题, 障碍太大太多, 费用也不会少, 很难做到。作为民事案子, 可打民事官司, 但彩虹集团将要支付一笔相当数额的美金, 意义不大, 得不偿失。



集团公司依据有关管理制度对刘丰其作出行政处理，如开除厂籍，这可能是刘丰最好的结局，也是刘丰所希望的。所以，在还有其他解决问题的可能情况下，不宜立即作出行政处理。

鉴于上述情况，对彩虹（美国）公司及刘丰问题的处理建议如下：

1、刘丰未经集团公司同意擅自转让彩虹（美国）公司，违背了集团公司意愿并严重损害了集团公司的利益，对其与美国 INB 公司所签定的彩虹（美国）公司的转让合同不予承认，等待机会，追究和保留追究对刘丰的法律责任。

2、继续和刘丰交涉，要求其立即终止与美国 INB 公司所签定的转让合同，执行彩虹（美国）公司 2000 年 3 月 9 日董事会决议，按 100 万美金的价格转让。

3、集团公司应依据有关管理制度在适当时候对其作出行政处理。

4、由于彩虹（美国）公司及刘丰问题的处理涉外跨国，而涉外案件政策性强，障碍太大太多，集团公司受法定职责、权限和检查手段的局限，很难查处此案，建议请示上级机关由有关部门处理。

二 00



抄送：监察处

档（2）

审计办公室

2001 年 7 月 27 日印发

打印：庆蓓

校对：仇兴喜

份数：4



EXHIBIT 6

LG



"bmccsale"
<bmccsale@public3.bta.net.cn>

收件人: overseas@bmcc.panasonic.com.cn

01-12-13 10:53

抄送:
主题: Fw: CDT/CPT inquiry from LG-India

>
> Dear Sir,
> I would like to introduce myself as a representative of LG-India in Shanghai for China Sourcing of CTV & Monitor parts. I am operating from LG Shanghai IPO. ILG-India has a turnover of around 500 Million US\$, with 6 products being manufactured in a 50,000 Sq. Meter spread manufacturing facility. We produce CTV, Monitors, Airconditioners, Washing Machines, Refrigerators & Microwave Ovens in India.
> The yearly Production plan for CTV + Monitor is 1.5 Million Pcs. which include 3 Monitor Models (0.5 Million) 15"/17" & 20 CTV Models (1.0 Million) .
> We invite you to explore the business possibility with LG Electronics, India. Lets start with the most competitive Price list of your product range for above quantities for export to India. Pls. include both FOB & C&F (New Delhi) prices in the quotation.
> Waiting for your response at the earliest.
> JP Singh (Mr.)
> Tel: 0086-21-62376317 (Direct)
> H/P: 1304 669 7233
> Email : jsingh@lgindia.com
> Do You Yahoo!?
> Check out Yahoo! Shopping and Yahoo! Auctions
> for all of your holiday gifts!

\$35

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interest

inform

-----来自 J P Singh <jpsgh@yahoo.com> 的消息, 在 Tue, 11 Dec 2001 22:04:37 -0800 (PST)

收件人: Beijing Matsushita <bmccsale@public3.bta.net.cn>, Shanghai Novel <jingyiwang1@yiping.xu@philips.com>, IRICO CaiHong <pqwang@irico.com.cn>

抄送: Jarry Huang <jarryhuang@lge.com>, Anil K Tyagi <atyagi@lgindia.com>, Pan Zhan Lee <dhleel2@lge.com>, S K Soni <ssoni@lgindia.com>, Rohit Ganjoo <rganjoo@lgindia.com>

主题: CDT/CPT inquiry from LG-India

Dear Sir,

I would like to introduce myself as a representative of LG-India in Shanghai for China Sourcing of CTV & Monitor parts. I am operating from LG Shanghai IPO. ILG-India has a turnover of around 500 Million US\$, with 6 products being manufactured in a 50,000 Sq. Meter spread manufacturing facility. We produce CTV, Monitors, Airconditioners, Washing Machines, Refrigerators & Microwave Ovens in India.

The yearly Production plan for CTV + Monitor is 1.5 Million Pcs. which include 3 Monitor Models (0.5 Million) 15"/17" & 20 CTV Models (1.0 Million) .

We invite you to explore the business possibility with LG Electronics, India. Lets start with the most competitive Price list of your product range for above quantities for

装 箱 单 Packing List

Panasonic
北京·松下彩色显象管有限公司
 Beijing-Matsushita Color CRT Co., Ltd.

Address: 9 Juxianqiao Northroad, Dazhanzi
 Chaoyang District, Beijing, China
 Tel: 5006655
 Fax: 5006154
 Cable: 2795

收货人代号:
 Consignee Code:

目的地:
 Destination:

箱号:
 Case No.

唛头:
 Shipping Mark:

合同号:
 Contract No.

合同附件号:
 Annexe No.

日期:
 Date:

箱号 Case No.	品名 Description	单位 Unit	数量 Quantity		单价 Unit Price	金额 Amount	毛重 Gross Weight	净重 Net Weight	长 × 宽 × 高 (厘米) (厘米) (厘米) Length × Width × Height (cm) (cm) (cm)
			每箱 Per P'kg	共计 Total					

export to India. Pls. include both FOB & C&F (New Delhi) prices in the quotation.

Waiting for your response at the earliest.

JP Singh (Mr.)

Tel: 0086-21-62376317(Direct)

H/P: 1304 669 7233

Email : jsingh@lqindia.com

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Panasonic
北京·松下彩色显像管有限公司
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 Address: 9 Jiuxianqiao Northroad, Dashanzi
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 合同号:
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 合同附件号:
 Annexe No.

 日期:
 Date:

箱 号 Case No.	品 名 Description	单 位 Unit	数 量 Quantity		单 价 Unit Price	金 额 Amount	毛 重 Gross Weight	净 重 Net Weight	长 × 宽 × 高 (厘米) (厘米) (厘米) Length × Width × Height (cm) (cm) (cm)
			每 箱 Per P'kg	共 计 Total					

EXHIBIT 7

From: sunbai@KONKA.COM
Sent: Wednesday, November 13, 2002 2:47 AM
To: overseas@bmcc.panasonic.com.cn; hongxingtao@samsung.com; zjjin@samsung.co.kr; wenhaiyang <hywen@irico.com.cn>; joy_lau@163.net; szshcom1@public.szptt.net.cn; 382@lgphilips-displays.com; david_deng@teal.toshiba.co.jp; laurie_chow@teal.toshiba.co.jp; toyoisg@public.szptt.net.cn; hkg@gfico.com; szadgicy@public.szptt.net.cn; qiang.ni@lgphilips-displays.com; hskim@leadingdigitalhk.com
Cc: 0xLJD1EEz_0xLJCBAEC3AFz/0xLJB2C9B9BAB2BFz/0xLJD7DCB2BFz/konka <0xLJD1EEz_0xLJCBAEC3AFz/0xLJB2C9B9BAB2BFz/0xLJD7DCB2BFz/konka@konka.com>; 0xLJD3DAz_0xLJBAA3z/0xLJB2C9B9BAB2BFz/0xLJD7DCB2BFz/konka <0xLJD3DAz_0xLJBAA3z/0xLJB2C9B9BAB2BFz/0xLJD7DCB2BFz/konka@konka.com>
Subject: 工作交接

各位尊敬的合作伙伴：

由于工作上的调整，本部于海先生将接手我的业务工作，我将调去通信事业部。请大家一如既往地给予于海先生业务上的支持和协作，也欢迎大家和我保持联系。

于海先生的联系电话是：（86）755—26608866—238，（86）755—26603004；传真号为：（86）755—26602002，E-MAIL地址是yuhai@konka.com。

祝大家：
工作愉快！
身体健康！
全家幸福！

孙柏
2002/11/13

EXHIBIT 8

From: overseas
Sent: Tuesday, September 30, 2003 4:04 AM
To: jingyuan@irico.com.cn
Subject: My e-mail address

Dear Mr.Jing

Thank you for your calling.

Please refer to the following e-mail add. and my TEL No.

Thanks and best regards!

Luzia Ben

=====
Overseas Section Marketing Dept.
Beijing Matsushita Color CRT Co., Ltd
No.9 Jiuxianqiao North Road Dashanzi,
Chaoyang District 100015 Beijing, China
Tel:86-10-64363168,86-10-64363355 ext.2304
Fax:86-10-64363162,86-10-64376154
e-mail:overseas@bmcc.panasonic.com.cn
=====

EXHIBIT 9

HAO XIAOJING



CHINA NATIONAL ELECTRONICS IMPORT & EXPORT CO., LTD.
Sales & Marketing Department

No.1 Caihong Road, Xianyang, Shaanxi, China
Tel: (0910) 3334330 3325177
PC: 712021 Fax: (0910) 3313101 3310708
E-mail: xjhao@irico.com.cn
web: http://www.irico.com.cn

20/8/03



THAI CRT CO., LTD.
www.thaicrt.com



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MONTRI MAHAPLERKPONG
林聞智
BUSINESS PLANNING MANAGER

1 586 5582
02-5864470
5864898

87/9 Moo 2 Sukhapibarn 7 Rd.,
Laem Chabang Industrial Estate
Tungsukhla Sriracha
Chonburi 20230, THAILAND.

Tel : 66 (38) 490220 Ext. 595
Fax : 66 (38) 493698
Mobile : 66 (1) 8637826
E-mail : montri.m@thaicrt.com

GAO RONGGUO

GENERAL MANAGER

IRICO GROUP
IRICO IMPORT AND EXPORT COMPANY

No.1 Caihong Road, Xianyang, Shaanxi, China
TEL: (0910) 3334318 3310808
FAX: (0910) 3313101
CALL: 13809109698 POSTCODE: 712021
E-mail: rggao@irico.com.cn

HONG-DA YANG
Vice Director



CHINA NATIONAL ELECTRONICS IMPORT & EXPORT CO., LTD.
Sales & Marketing Department

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web: http://www.irico.com.cn



LG Electronics Inc.

見錫吳
Wan - Seok Oh

Senior Engineer
DND Production Engineering Department

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730-727 Korea.
Phone: +82-54-470-4716 Fax: +82-54-470-4639
E-mail: ows0625@lge.com



LG PHILIPS Displays



梁永旭
營業擔當 / 常務

150-721
Seoul市 永登浦區 汝矣島洞 20
LG Twin Towers 西館 16層

Tel : +82-2-3777-3070
Fax : +82-2-3777-1333
E-mail : yeongug.yang@lgphilips-displays.com

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Wang 8584

9/20/2022
Wang Zhaojie - V2

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CEIEC 中国电子进出口彩虹公司

出口营销部

中國陝西咸陽彩虹路1號 郵編: 712021

電話: (0910)3334330 3325177

傳真: (0910)3313101 3310708

電子信箱: xjha0@irico.com.cn

公司網址: http://www.irico.com.cn



彩虹集团公司

彩虹进出口公司

總經理

高荣國

地址: 中国陕西咸陽彩虹路1号

电话: (0910)3334348-3310808

传真: (0910)3313101

手机: 13809109698 邮编: 712021

电子信箱: rggao@irico.com.cn

杨宏达

CEIEC 中国电子进出口彩虹公司

出口营销部 副部长

中國陝西咸陽彩虹路1號 郵編: 712021

電話: (0910)3334329 3334330

傳真: (0910)3313101 3310708

電子信箱: hfayang@irico.com.cn

公司網址: http://www.irico.com.cn



디지털 영상 사업부

DND 설계실

선임 연구원

오 완 석

730-727 경상북도 구미시 진평동 642번지

전화: 054-470-4716 FAX: 054-470-4639

E-mail: ows0625@lge.com



Yeong-Ug(Albert)Yang

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EXHIBIT 10

Preliminary Television Market and Industry Research

Prepared for:

US EPA
in support of the
ENERGY STAR® TV Specification Revision

January 6, 2006

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Preliminary Television Market & Industry Research

This report provides an overview of the US television market, prepared on behalf of the US Environmental Protection Agency (EPA), as it begins a major revision of the current ENERGY STAR® specification for televisions and VCRs (henceforth known as the ENERGY STAR TV specification).

Background on Current ENERGY STAR TV Specification

The ENERGY STAR TV specification was originally launched at The Consumer Electronics Show® (CES) in January 1998. Since then, it has undergone a significant revision to decrease the standby mode power levels to one watt or less for products covered by the specification. This change was achieved through implementing a tiered approach to the revised specification, which was launched on July 1, 2002. The final tier of this revised specification took effect on July 1, 2005. Two minor amendments also were made, on September 15, 2003 and June 21, 2005 (Tier 3). The first of these amendments regarded expanding the specification to allow Digital Cable Ready (DCR) televisions with Point of Deployment (POD) slots to qualify and the second clarified which products were eligible for the one-watt Illuminated Display Allowance under Tier 3 of the specification.

The purpose of the current specification is to recognize TVs with low energy consumption when turned off or in the standby mode. This approach was an important first step in reducing TV energy use due to the vast amount of time they spend in standby mode and the millions of televisions in use in US homes. In 1998 when the specification was introduced, EPA estimated that ENERGY STAR qualified televisions would use about 20 percent less energy in a year than comparable televisions. See Table 1 below. (Please note that this analysis was based on CRT technology; other technologies, such as LCD and plasma, were not prevalent in the consumer market when the ENERGY STAR TV specification was released.)

Table 1: Initial ENERGY STAR TV Savings Analysis

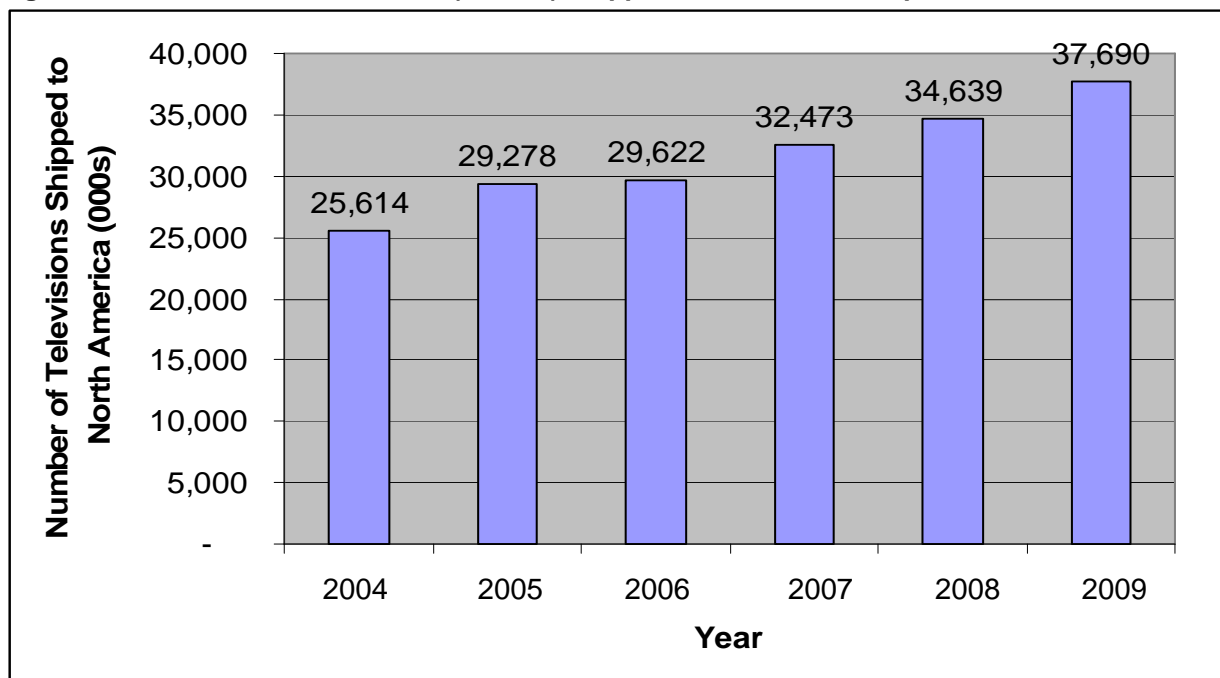
	Baseline TV	ENERGY STAR TV	Savings	% Savings
Standby Energy (kWh)	40.4	12.3	28.1	69.5%
Active Energy (kWh)	143.7	135.9	7.9	5.5%
Total Annual Energy (kWh)	184.2	148.2	36.0	19.5%

Source: Developed by Lawrence Berkeley National Laboratory (LBNL) for EPA ENERGY STAR in 1998.

With the prevalence of new display technologies, which can consume significantly more energy in active mode than CRT models, and shifts in consumer viewing habits, EPA believes that standby power is no longer an effective measure of overall television efficiency. For example, it is currently possible for a television to earn the ENERGY STAR by meeting low standby levels while drawing significant power in on mode. Significant opportunity now exists for EPA to address all relevant operational modes and technologies so consumers can easily identify the most energy-efficient models in the marketplace.

North American TV Market and Its Relevance for ENERGY STAR

Not surprisingly, the number of televisions in the United States is growing. According to iSuppli's Television Systems Market Tracker for the fourth quarter of 2005, the estimated market value of all televisions shipped to North America in 2004 was \$19.19 billion. This value is expected to grow by 19.6% in 2005 to \$23.89 billion. In terms of units, 2004 saw approximately 25.6 million televisions shipped to North America. Shipments are expected to increase by 14% (29.3 million) in 2005 and reach a total of 37.69 million televisions by 2009 (see Figure 1).

Figure 1: Estimated Number of TVs (in 000s) Shipped to North America per Year from 2004 – 2009

Source: iSuppli's Television Systems Market Tracker – Q4 of 2005.

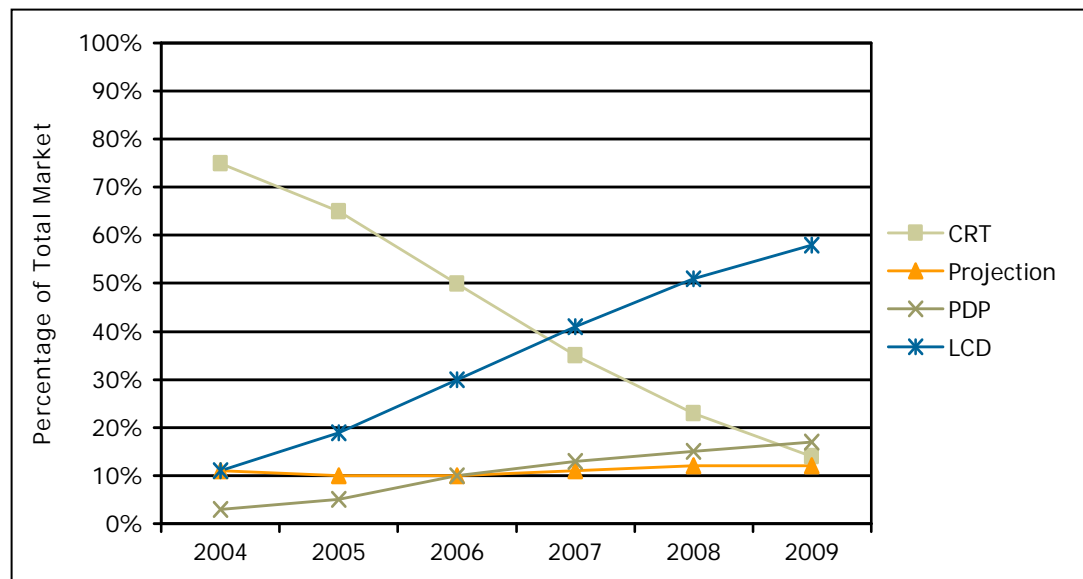
TV shipment growth can be attributed to several major factors, including:

- Consumers showing higher preference for larger screen sizes, with a greater availability of televisions in 40-inch-plus sizes and declining price points;
- Value brands entering the market, which are slowly gaining consumer acceptance;
- Consumers investing in new units in preparation for the move from analog to digital over-the-air (OTA) signal transmission;
- The increased adoption of flat panels, allowing consumers to find new places in the household for televisions – kitchens, bathrooms, home-offices, etc.; and
- A decline in the average selling price of televisions.

Associated with the rise in TV shipments is an increase in the number of TVs per household. According to data from the Consumer Electronics Association (CEA), there are currently 285 million televisions in use in US households. And per recent survey results that appeared in USA Today, there is currently an average of 2.8 working televisions in a US household. As consumers buy new televisions, typically every seven to nine years, this number is expected to grow because rather than dispose of their old ones, which often still work due to the relatively long life-cycles of these products, they are placed in alternate locations, such as the kitchen and children's bedrooms.

In addition, the North American TV market is quickly moving towards greater adoption of large screen, flat panel televisions (see Figure 2). By 2009, it is estimated that 71.5% of the market will be comprised of flat panel televisions measuring 30 inches and above in screen size.

129 **Figure 2: Estimated North American TV Technology Penetration from 2004 – 2009**



Source: iSuppli's Television Systems Market Tracker – Q4 of 2005.

As depicted in Figure 2, it is expected that shipments of LCD televisions will overtake shipments of CRT televisions at the beginning of 2007. And approximately two years later, shipments of plasma televisions also will overtake those of CRT televisions.

Overall, many of the large screen, flat panel televisions being purchased by consumers will consume double or more the active mode power of the smaller CRT televisions that they are replacing. Some of this differential in power consumption is because large screen televisions, being bigger than their predecessors, will naturally consume more power to operate. Many of these newer televisions also are digital and capable of showing high-definition picture, which also drives up overall power consumption.

Further, there can be a wide disparity in power consumption amongst similar televisions that incorporate the same screen technology. For example, according to a recent Digitimes article on the seven most energy-efficient 37-inch flat panel televisions currently available in the Japanese market, there is a 55 kWh per year difference in the measured annual power consumption of the most efficient flat panel available on the market and the sixth most efficient flat panel available, both of which are LCD televisions. However, a plasma television was found to be the third most efficient flat panel model available, with an annual power consumption that measured 71 kWh per year less than the next best performing plasma model on the marketplace in terms of energy efficiency. (Out of the seven models mentioned in the article, five were LCDs and two were plasmas.) Due to this variation in power consumption, EPA wants its new specification to recognize those manufacturers that are investing in research and development to introduce more energy-efficient TV models across all modes of operation.

The variety and number of features available on new televisions is expanding and, in many cases, will impact overall energy consumption. For example, consumers must now consider the following when purchasing a new television: picture quality, price, size (overall and in terms of thickness), regular or high definition capable, wide-screen or normal aspect ratio, TV sound, audio/video (A/V) input and outputs, and other features (e.g., digital cable ready, parental controls, etc.).

As televisions physically change in terms of their size, shape, and functionality, so do their usage patterns. Americans are spending more hours a day watching television, both due to the increased availability of cable and satellite programming content and the rapid adoption of DVDs. And with the growth in sales of game consoles, there is an additional increase in the number of hours a typical television operates each day. According to Nielsen Media Research, for the September 2004 – September 2005 viewing season, the average US household was tuned into television an average of 8 hours and 11 minutes per day. Even though televisions continue to spend the majority of time in standby mode, the energy consumed by them for the few

hours a day that they are active accounts for 80 – 95% of their annual energy consumption. In fact, some of the larger TVs on the market today use as much energy as a new refrigerator (e.g., 500 kWh/year). (See Table 2 for the estimated annual power consumption of US televisions in active mode and all modes.)

Table 2: Annual Power Consumption Estimates for US TVs (kWh/Year)

Television Display Type	All Modes - Average Power Consumption per Unit	Active Mode Only - Average Power Consumption per Unit
CRT	244	216
LCD	256	192
Plasma	679	532
DLP	444	311

Source: Prepared by LBNL. Data derived from various sources.

Further, EPA estimates that currently, all US televisions consume 69 TWh/year, costing consumers \$5 billion annually to power their sets. In 2010, it is projected that this number will rise by approximately 75% and US televisions will consume 121 TWh/year, costing consumers over \$8 billion annually to power their sets. (See Table 3 for the estimated annual national power consumption of US televisions, projected through 2010.)

Table 3: Annual National Power Consumption Estimates for US TVs (TWh/year)

Television Display Type	Year					
	2005	2006	2007	2008	2009	2010
CRT	57	55	53	50	46	42
DLP	1	2	3	3	4	5
LCD	5	6	7	9	11	13
Plasma	6	12	20	31	45	61
Other	0.00	0.05	0.10	0.16	0.24	0.32
Total	69	75	84	94	106	121

Source: Prepared by LBNL. Data derived from various sources.

As substantiated by the data and trends presented above, the United States is experiencing several significant changes to the TV market: 1) shipments and the number of TVs per household are growing; 2) new consumer viewing habits are increasing the amount of time a TV spends in active mode; 3) differences in manufacturer design are leading to variations in power consumption amongst similar technologies and models; and 4) many consumers are choosing larger, feature-rich models that on average consume more energy than their predecessors. In fact, residential electricity use by consumer electronics products alone has doubled since the late 1990s; this category is now responsible for up to 15% of household electricity use and may reach 30% by 2015. These increases in TV sales, usage patterns, and power consumption, suggest that it is time to reopen the specification and develop new ENERGY STAR TV criteria that reflect today's marketplace.

Key Technologies for the North American Market

Several new display technologies have entered the marketplace since the launch of the first ENERGY STAR TV specification in 1998. Table 4 provides a brief overview of the four primary television technologies currently available in North America. Immediately following the table is a market summary of each technology.

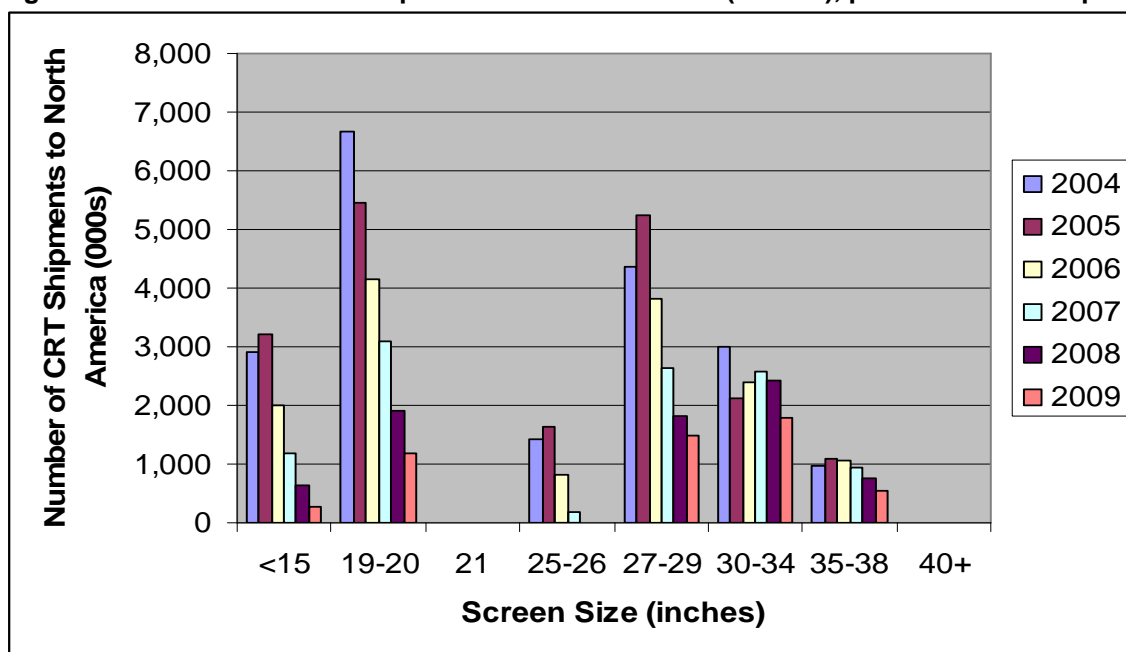
Table 4: Overview of Four Primary TV Technologies Available in North America

Characteristics	CRT	LCD	Plasma	DLP
Range of Screen Sizes Available (Inches)	<15 - ≥40	10 - ≥50	31 - ≥60	<50 - ≥60
Average Selling Price in 2005 & 2009	\$302; \$184	\$1,352; \$674	\$2,774; \$877	\$2,483; \$966
Est. Product Lifetimes	5-10 years	50,000-60,000 hours of viewing	30,000-60,000 hours of viewing	75,000 hours of viewing
Top Manufacturer in 3 rd Qtr 2005 (% of Shipments)	TTE Corporation	Sharp Electronics Corporation	Panasonic (Matsushita)	Samsung Corporation

Source: Prepared by ICF Consulting. Data derived from various sources.

CRT Televisions

The most mature technology currently available for televisions, CRTs, continued to account for the vast majority of televisions shipped to North America in 2004. This technology comprised approximately 75% of total shipments, or 19.32 million units. Of these 19.32 million units, over half were larger than 24 inches in screen size. In 2005, it is estimated that approximately 64% of the total number of televisions shipped to North America will be CRTs, or 18.76 million units. This overall decrease in both the number of CRTs shipped to North America and the percentage of total shipments comprised of CRTs is estimated to escalate and in 2009, only 5.27 million CRTs (13.8% of total shipments) are expected to ship to North America (see Figure 3).

Figure 3: Estimated CRT TV Shipments to North America (in 000s), per Screen Size & per Year

Source: iSuppli's Television Systems Market Tracker – Q4 of 2005.

The decline in CRT shipments can be attributed to a number of factors, including:

- Relatively low margins on this technology, causing manufacturers to shift resources to other areas;
- Increased adoption of flat panels due to their declining prices, leading to a smaller price-differential between similar sized LCD and CRT televisions; and
- The attractive form factor of flat panels and in many cases, the ability to receive digital OTA programming, which complements consumer lifestyles and preferences.

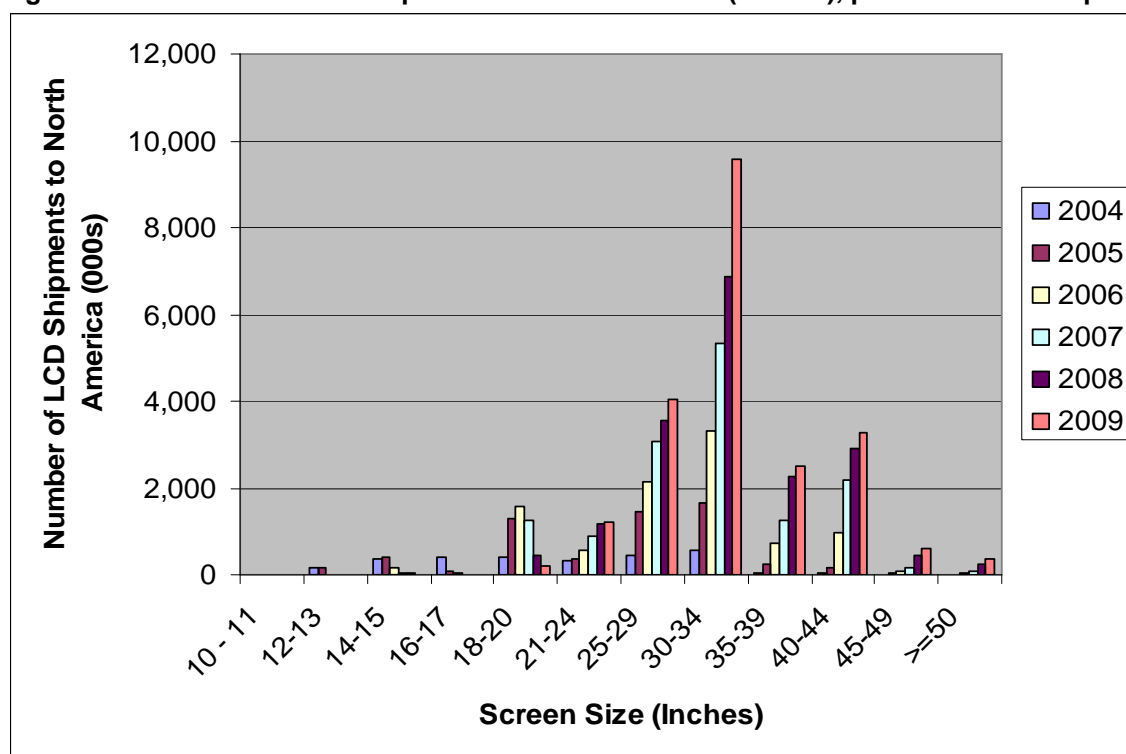
In 2004, the average selling price of a CRT television was \$319. In 2009, the average CRT selling price is expected to drop to \$184. This fairly aggressive decline in the average selling price for CRTs will likely continue as CRT manufacturers attempt to stay more price-competitive against flat panels in this market.

In terms of CRT market share in North America, TTE Technology, Inc. held the largest share during the third quarter of 2005 with 14.18%. Toshiba (8.66%), Sanyo (8.11%), Panasonic/Matsushita (6.75%), and Sony (5.57%) rounded out the top five. All are ENERGY STAR partners for televisions.

LCD Televisions

LCD televisions are the most rapidly growing TV technology market in North America. In 2004, approximately 10.75% of the total television shipments to North America were LCDs, or 2.75 million units. Of these 2.75 million units, over half were larger than 21 inches in screen size. In 2005, it is estimated that approximately 20.25% of the total number of televisions shipped to North America will be LCDs, or 5.93 million units. This growth trend is expected to continue with an estimated 21.8 million LCDs shipped to North America in 2009, accounting for 57.8% of televisions shipped to this market (see Figure 4).

Figure 4: Estimated LCD TV Shipments to North America (in 000s), per Screen Size & per Year



Source: iSuppli's Television Systems Market Tracker – Q4 of 2005.

The increase in LCD unit shipments can be attributed to a number of factors, including:

- The attractive form factor of LCDs, which fits well with consumer life-styles;
- A decline in the average sales price of LCDs as an increased number of sixth and seventh generation LCD fabs reach full production;
- An increased number of large LCD panels becoming available for the manufacture of televisions, meaning that this technology can now compete with other flat-panel technologies in terms of screen size and decreasing price differentials; and
- Improved product performance.

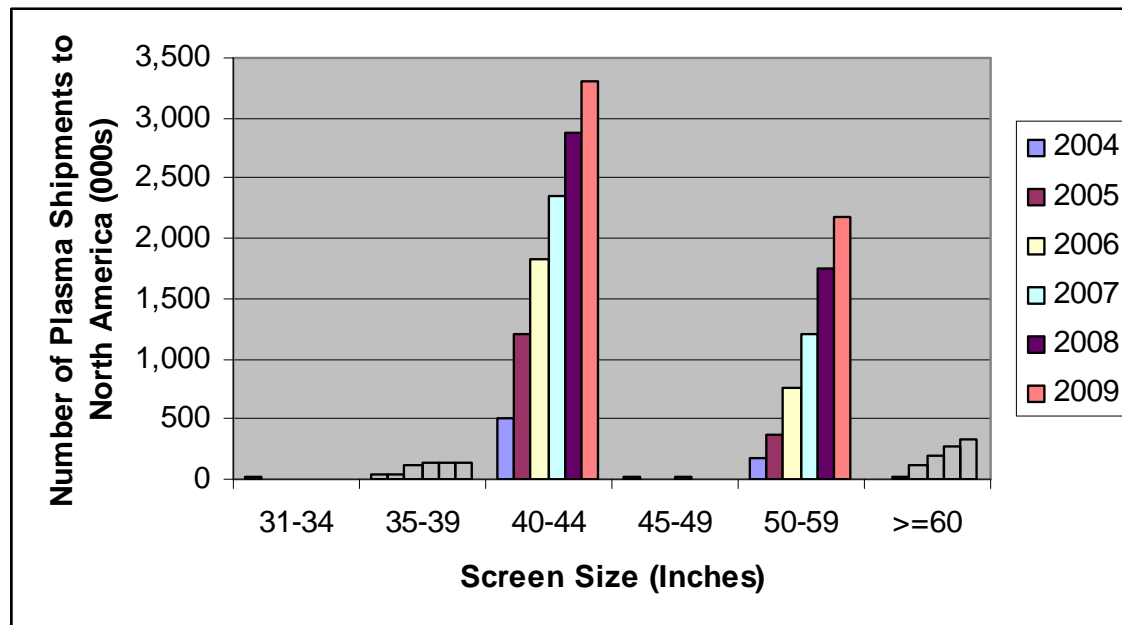
In 2004, the average selling price of an LCD television was \$1,682. The smallest screen sizes available, from 10 – 11 inches, sold at an average of \$482 while screen sizes from 45-49 inches sold at an average of \$7,537. In 2005, the average selling price of an LCD television is estimated to decrease by approximately 20% to \$1,352. As LCD manufacturers attempt to reduce the price differential between CRT televisions and become more price-competitive against other flat-panel technologies, similar price declines are expected through 2009, reaching an average price of \$674 or 60% less than the 2004 figure.

In terms of LCD market share in North America, Sharp Electronics Corporation held the largest share during the third quarter of 2005 with 15.08%. Other market leaders included Philips, Sony, Samsung, and Advent with 10.42%, 9.69%, 7.38%, and 5.30% market shares, respectively.

Plasma Televisions

In 2004, approximately 2.9% of the total television shipments to North America were plasmas, or 0.75 million units. Of these 0.75 million units, the vast majority were larger than 40 inches in screen size. In 2005, it is estimated that approximately 5.6% of the total number of televisions shipped to North America will be plasmas, or 1.65 million units. By 2009, 5.97 million plasmas are expected to ship to North America; this will represent approximately 15.9% of televisions shipped to this market (see Figure 5).

Figure 5: Estimated Plasma TV Shipments to North America (in 000s), per Screen Size & per Year



Source: iSuppli's Television Systems Market Tracker – Q4 of 2005.

The increase in plasma television shipments can be attributed to a number of factors, including:

- Declining price points as plasma television manufacturers strive to gain an increased share of the large screen flat panel market prior to sixth and seventh generation LCD fabs reaching full production;
- The attractive form factor of plasmas, which fits well with consumer life-styles;
- Increased availability of plasma televisions through a variety of channels, such as consumer electronics outlets, high-end audio and video stores, and mass merchandisers and price clubs; and
- Increased capacity from plasma panel manufacturers, leading to a decline in the average sales price of these products as they become more readily available.

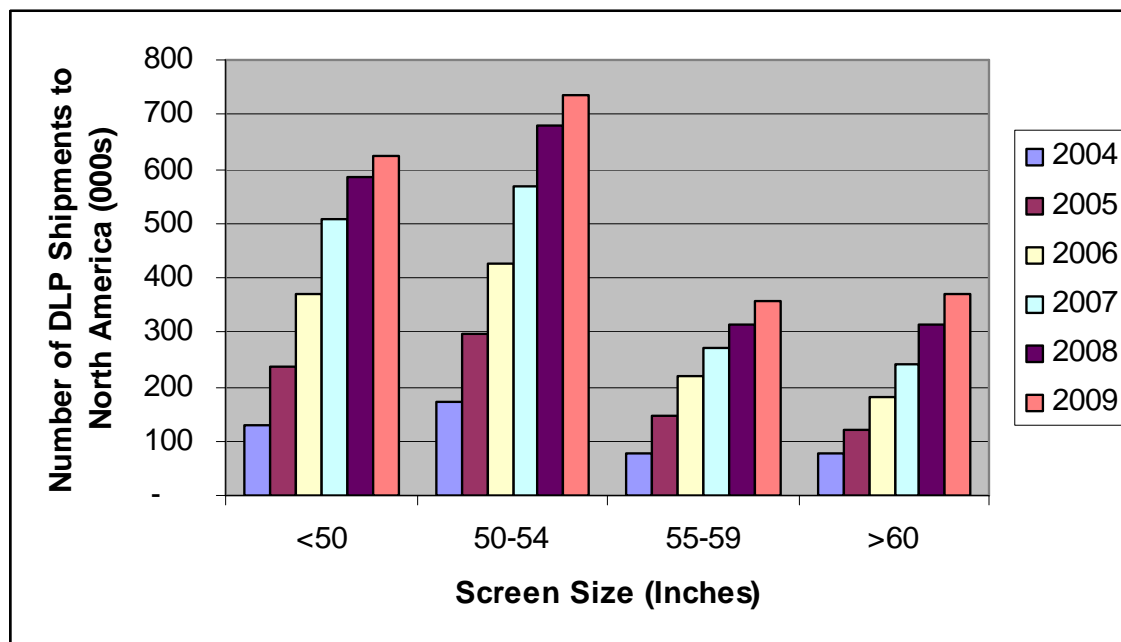
In 2004, the average selling price of a plasma television was \$3,823. The smallest screen sizes available, from 31 – 34 inches, sold at an average of \$3,823 while screen sizes 60 inches and above sold at an average of \$11,451. In 2005, the average selling price of a plasma television is estimated to decrease by approximately 17.5% to \$2,774. As of 2006, it is estimated that there will be no shipments of plasma televisions with screen sizes below 35 inches to North America. By 2009, analysts predict an average plasma selling price of \$877.

In terms of plasma television market share in North America, Panasonic (Matsushita Electric Industrial Co.) held the largest share during the third quarter of 2005 with 50.5%. Samsung Corporation held the second largest market share at 11.21%, followed by LG Electronics at 10.11%.

DLP Televisions

DLP televisions incorporate a relatively new technology available in the market, and currently account for the lowest number of overall television shipments to North America. In 2004, approximately 1.8% of the total television shipments to North America were DLPs, or 0.45 million units. In 2005, it is estimated that shipments of DLPs will almost double, reaching a total of 0.8 million units. However, they will still only comprise 2.7% of the total number of televisions shipped to North America. DLP shipments are expected to slowly increase; in 2009, an estimated 2.1 million DLPs will ship to North America, accounting for approximately 5.53% of televisions shipped to this market (see Figure 6).

Figure 6: Estimated DLP TV Shipments to North America (in 000s), per Screen Size & per Year



Source: iSuppli's Television Systems Market Tracker – Q4 of 2005.

DLP shipments are not increasing as rapidly as other technologies because they are generally more expensive and still require some type of TV stand (unlike other flat panel technologies that can be hung on the wall). Samsung Corporation currently holds the largest market share for shipments of DLPs in North America.

In 2004, the average selling price of a DLP television was \$3,102. The smallest screen sizes available, below 50 inches, sold at an average of \$2,515 while screen sizes above 60 inches sold at an average of \$3,696. In 2005, the average selling price of a DLP television is estimated to decrease by approximately 20% to \$2,483. By 2009, the average selling price is projected to be \$966.

Next Steps

The drafting of this market research report is one of the initial steps in the ENERGY STAR specification revision process. As outlined in the ENERGY STAR Guiding Principles, EPA strives to develop energy-efficiency specifications that are performance-based and technology neutral (i.e., specifications that evaluate all models in a product category, such as televisions, in the same manner, regardless of technology). This approach offers several benefits, including specification longevity (i.e., specification does not have to be automatically revised each time a new technology, such as SED or OLED, is introduced) and easy product comparisons based on the ENERGY STAR mark (e.g., performance-based specifications allow consumers to easily choose the most energy-efficient model to suit their needs and preferences). For the ENERGY STAR TV specification, EPA plans to follow this established approach and will accordingly develop one test method and specification for all display technologies. Key steps, consistent with ENERGY STAR's guiding principles and established procedures, are briefly outlined below.

- Establish new and varied industry contacts. EPA is in the process of expanding its list of stakeholders to include engineers and other technical staff involved in the design of TV technologies.

- Complete market research. Stakeholders will be asked to provide their input on this market research report. Where appropriate, EPA will incorporate stakeholder feedback before finalizing the document and posting it on the ENERGY STAR Web site at http://www.energystar.gov/index.cfm?c=revisions.tv_vcr_spec.
- Develop a new test procedure to measure the amount of energy consumed by a television in active or on mode. A number of key governments, including Canada, Australia and the European Union, have already expressed an interest in working with EPA and the manufacturing community to develop a single, harmonized global test procedure for televisions as an early step in the specification revision process. This test procedure will take into account variables such as what programming is displayed and its format and measure all televisions in the same manner, regardless of technology. Ultimately, the test procedure will be used by each of these government entities, should they choose to implement policies to encourage the sale of more efficient televisions. A first draft of the test procedure is expected to be available in late March 2006, and will be shared with manufacturers and other stakeholders for their review and comment.
- Gather and analyze data. Manufacturers will be requested to test their latest, most feature-rich models using the new test procedure. The data gathered from this testing will be used to determine an appropriate performance metric and to inform initial levels for the new ENERGY STAR TV specification.
- Share drafts of the specification with stakeholders for their review and comment. EPA expects to distribute an initial draft of this specification in August 2006, and develop and distribute additional drafts as needed, prior to the development of the final version of this document.
- Host stakeholder meetings and workshops. Stakeholder participation is critical to developing a meaningful specification and to the overall success of ENERGY STAR. EPA will invite all interested parties to attend periodic meetings and/or workshops designed to vet key elements of the specification.
- Finalize specification. EPA intends to finalize the TV specification by January 2007 and expects that it will take effect in or around January 2008. The current TV/VCR products specification will remain in place until a new set of specifications can be finalized with a new effective date.

A timeline follows below with anticipated dates for key events milestones in the ENERGY STAR TV specification revision.

Table 5: Anticipated Timeline for ENERGY STAR TV Specification Revision

Date	Event
February 2006	Finalize Television Market and Industry Research
Late March 2006	Complete draft test procedure for televisions and share with stakeholders
April 2006	Host stakeholder workshop to discuss Draft test procedure
April/May 2006	Finalize test procedure for televisions
May – July 2006	Test latest, most feature-rich models using newly developed test procedure. Interested manufacturers share data with EPA
June 2006	Attend meeting with international stakeholders in London to discuss progress to date regarding televisions; timed to coincide with Energy Efficiency in Domestic Appliances and Lighting (EEDAL 2006) Attend Society for Information Display (SID) conference, SID 2006, in San Francisco
Late July 2006	Conduct stakeholder meeting to discuss data gathered to date
August 2006	Release Draft 1 specification for comment and feedback
September 2006	Host stakeholder meeting to discuss Draft 1 specification
November 2006	Release Draft 2 specification for comment and feedback
December 2006	Host stakeholder meeting to discuss Draft 2 specification
January 2007	Release final revised ENERGY STAR TV specification
January 2008	Effective date of revised specification

Additional information about EPA's ENERGY STAR Product Specification Development activities can be found at www.energystar.gov/productdevelopment.

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EXHIBIT 11

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION


IN RE: CATHODE RAY TUBE (CRT)) MASTER FILE NO.
ANTITRUST LITIGATION) CV-07-5944 JST
_____)
)
THIS DOCUMENT RELATES TO:)
)
ALL INDIRECT PURCHASER ACTIONS)
ALL DIRECT PURCHASER ACTIONS)
)
DEFENDANTS.)
_____)

VIDEOTAPED DEPOSITION OF YAN YUNLONG
VOLUME III
THURSDAY, SEPTEMBER 29, 2022
MACAU S.A.R., CHINA

FILE NO. SF 5436477

REPORTED BY MARK McCLURE, CRR
CAL CSR 12203

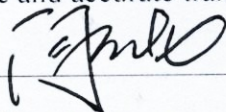
1 BY MR. CARTER: 08:19:13	1 request in this litigation? 08:23:13
2 Q. Has Irico Group continued to act on behalf of 08:19:13	2 MR. RUSHING: Object to form. 08:23:17
3 Irico Display in responding to the CRT lawsuit since 08:19:15	3 MR. BIRKHAUSER: Objection. Leading. 08:23:19
4 this time, in 2017? 08:19:18	4 THE WITNESS: Yes, he was the only contact 08:23:43
5 MR. RUSHING: Objection. Form. 08:19:22	5 person that we assigned to communicate with Baker Botts. 08:23:45
6 THE WITNESS: Yes. 08:19:36	6 BY MR. CARTER: 08:23:45
7 BY MR. CARTER: 08:19:37	7 Q. Was part of Mr. Zhang's role to gather 08:23:51
8 Q. And to your knowledge, has anyone at Irico 08:19:38	8 information to respond to plaintiffs' information 08:23:54
9 Display ever contacted Baker Botts to inform them that 08:19:42	9 requests and provide that information to Baker Botts? 08:23:56
10 they wished for Baker Botts to withdraw as counsel for 08:19:46	10 MR. BIRKHAUSER: Leading. 08:24:07
11 Irico Display? 08:19:49	11 THE WITNESS: Yes. 08:24:30
12 MR. RUSHING: Objection to form. Lacks 08:19:51	12 BY MR. CARTER: 08:24:31
13 foundation. 08:19:52	13 Q. And did you, Mr. Yan, authorize Mr. Zhang to 08:24:31
14 THE WITNESS: Nobody. 08:20:13	14 undertake all the roles that I just listed? 08:24:34
15 BY MR. CARTER: 08:20:15	15 MR. RUSHING: Object to form. 08:24:38
16 Q. Mr. Yan, you also testified yesterday that the 08:20:17	16 THE WITNESS: Yes. 08:24:47
17 litigation working group at Irico Group searched for 08:20:22	17 BY MR. CARTER: 08:24:51
18 responsive documents in the possession of Irico Display 08:20:26	18 Q. Mr. Yan, do you recall being asked some 08:24:56
19 for this litigation. 08:20:29	19 questions about Mr. Su Xiaohua what yesterday? 08:24:58
20 Do you recall that? 08:20:53	20 A. Yes. 08:25:09
21 A. Yes. 08:20:53	21 Q. You testified you thought he might be 08:25:09
22 Q. To the best of your knowledge, did the 08:20:53	22 reluctant to testify because of a Chinese cultural 08:25:11
23 litigation working group ensure that responsive 08:20:56	23 notion that participation in lawsuits is not honorable. 08:25:15
24 documents were searched for and collected from the files 08:20:59	24 Did I get that right? 08:25:20
25 of Irico Display for this litigation? 08:21:02	25 MR. RUSHING: Objection. Asked and answered. 08:25:21
Page 321	Page 323
1 MR. RUSHING: Objection to form. 08:21:07	1 THE WITNESS: Yes. 08:25:41
2 MR. BIRKHAUSER: Objection. Very leading. 08:21:08	2 BY MR. CARTER: 08:25:41
3 THE WITNESS: Yes, we tried our very best. 08:21:36	3 Q. To your knowledge, was Mr. Su also concerned 08:25:44
4 BY MR. CARTER: 08:21:40	4 about the COVID-19 pandemic and required COVID-19 08:25:47
5 Q. Mr. Yan, do you also recall testifying 08:21:43	5 quarantines for travel outside Mainland China? 08:25:51
6 yesterday that Mr. Zhang Wenkai served as your primary 08:21:45	6 MR. RUSHING: Objection to form. Lacks 08:25:54
7 assistant with regard to the collection of documents for 08:21:48	7 foundation. 08:25:56
8 this litigation since 2017? 08:21:51	8 MR. BIRKHAUSER: Objection. Very, very 08:25:56
9 A. Yes. 08:22:10	9 leading. 08:25:57
10 Q. Was part of Mr. Zhang's role to gather 08:22:11	10 THE WITNESS: Yes, like me, I'm also very 08:26:24
11 information on potential locations of relevant documents 08:22:14	11 concerned. 08:26:27
12 for collection? 08:22:17	12 BY MR. CARTER: 08:26:27
13 MR. RUSHING: Objection to form. 08:22:20	13 Q. Mr. Yan, going back to your work history, when 08:26:30
14 MR. BIRKHAUSER: Objection. Leading. 08:22:22	14 you were working in the Irico Group Enterprise 08:26:35
15 THE WITNESS: Yes. 08:22:40	15 Management Department, did you have an understanding of 08:26:40
16 BY MR. CARTER: 08:22:41	16 the corporate structure of Irico Group? 08:26:42
17 Q. Was part of Mr. Zhang's role to assist with 08:22:42	17 And by that, I mean the subsidiary and 08:26:45
18 searching those locations for relevant documents for 08:22:44	18 affiliate companies that reported up to Irico Group. 08:26:48
19 collection? 08:22:47	19 MR. RUSHING: Object to form. 08:26:51
20 MR. RUSHING: Object to form. 08:22:49	20 THE WITNESS: Yes. 08:27:13
21 MR. BIRKHAUSER: Objection. Leading. 08:22:53	21 BY MR. CARTER: 08:27:13
22 THE WITNESS: Yes. 08:23:05	22 Q. Was it important for your job in the Irico 08:27:15
23 BY MR. CARTER: 08:23:05	23 Group Enterprise Management Department to have a good 08:27:21
24 Q. Was part of Mr. Zhang's role to communicate 08:23:06	24 understanding of Irico Group's corporate structure? 08:27:22
25 with Baker Botts regarding plaintiffs' information 08:23:10	25 MR. RUSHING: Object to form. Lacks 08:27:27
Page 322	Page 324

<p>1 very difficult circumstances and we appreciate that. 12:49:30</p> <p>2 MS. CAPURRO: I'll second that motion. 12:49:53</p> <p>3 MS. YANG: Yes, thank you very much. 12:49:53</p> <p>4 THE VIDEOGRAPHER: We are now going off the 12:49:58</p> <p>5 record. The time is 12:50. 12:49:59</p> <p>6 (The deposition concluded at 12:50 p.m.,</p> <p>7 China Standard Time.)</p> <p>8 --oOo--</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 397</p>	<p>1 STATE OF CALIFORNIA)</p> <p>2 COUNTY OF SANTA BARBARA) ss.</p> <p>3</p> <p>4 I, Mark McClure, C.S.R. No. 12203, in and for</p> <p>5 the State of California, do hereby certify:</p> <p>6 That prior to being examined, the witness</p> <p>7 named in the foregoing deposition was by me duly sworn</p> <p>8 to testify to the truth, the whole truth, and nothing</p> <p>9 but the truth;</p> <p>10 That said deposition was taken down by me in</p> <p>11 shorthand at the time and place therein named and</p> <p>12 thereafter reduced to typewriting under my direction,</p> <p>13 and the same is a true, correct, and complete transcript</p> <p>14 of said proceedings;</p> <p>15 That if the foregoing pertains to the original</p> <p>16 transcript of a deposition in a Federal Case, before</p> <p>17 completion of the proceedings, review of the transcript</p> <p>18 { } was { X } was not required.</p> <p>19 I further certify that I am not interested in</p> <p>20 the event of the action.</p> <p>21 Witness my hand this 13th day of October, 2022.</p> <p>22</p> <p>23 </p> <p>24 Certified Shorthand Reporter</p> <p>25 State of California</p> <p>CSR No. 12203</p> <p style="text-align: right;">Page 399</p>
<p>1 DEPONENT'S DECLARATION</p> <p>2</p> <p>3 I, YAN YUNLONG, hereby declare:</p> <p>4 I have read the foregoing deposition</p> <p>5 transcript and identify it as my own and approve same.</p> <p>6 I declare under penalty of perjury under the</p> <p>7 laws of the State of California that the foregoing</p> <p>8 testimony is true and correct.</p> <p>9 Dated this _____ day of _____, 2022,</p> <p>10 at _____, California.</p> <p>11</p> <p>12</p> <p>13 _____</p> <p>14 YAN YUNLONG</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 398</p>	<p>1 THOMAS E. CARTER, ESQ.</p> <p>2 TOM.CARTER@BAKERBOTTSCOM</p> <p>3 OCTOBER 13, 2022</p> <p>4 RE: CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION</p> <p>5 SEPTEMBER 28, 2022, YAN YUNLONG, VOL. III, JOB NO. 5436477</p> <p>6 The above-referenced transcript has been</p> <p>7 completed by Veritext Legal Solutions and</p> <p>8 review of the transcript is being handled as follows:</p> <p>9 ___ Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext</p> <p>10 to schedule a time to review the original transcript at</p> <p>11 a Veritext office.</p> <p>12 ___ Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF</p> <p>13 Transcript - The witness should review the transcript and</p> <p>14 make any necessary corrections on the errata pages included</p> <p>15 below, notating the page and line number of the corrections.</p> <p>16 The witness should then sign and date the errata and penalty</p> <p>17 of perjury pages and return the completed pages to all</p> <p>18 appearing counsel within the period of time determined at</p> <p>19 the deposition or provided by the Code of Civil Procedure.</p> <p>20 ___ Waiving the CA Code of Civil Procedure per Stipulation of</p> <p>21 Counsel - Original transcript to be released for signature</p> <p>22 as determined at the deposition.</p> <p>23 ___ Signature Waived – Reading & Signature was waived at the</p> <p>24 time of the deposition.</p> <p>25</p> <p style="text-align: right;">Page 400</p>

CERTIFICATE OF DEPONENT

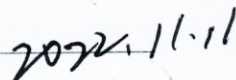
I, YAN YUNLONG, hereby certify that I have read the foregoing pages, numbered 309 through 402, of my deposition of testimony taken in these proceedings on Thursday, September 29, 2022, and, with the exception of the changes listed on the next page and/or corrections, if any, find them to be a true and accurate transcription thereof.

Signed: _____



Name: · · Yan Yunlong

Date: · ·



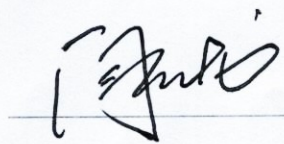
ERRATA SHEET

Case Name: In Re Cathode Ray Tube Antitrust Litigation

Witness Name: Yan Yunlong

Date: 09/29/2022

PAGE	LINE	NOW READS	SHOULD READ	REASON
329	3	some necessarily intervention	some necessary intervention	Transcription error
381	1	CNEIEC	CNEIECC	Transcription error
381	11	CNEIEC	CNEIECC	Transcription error
381	14	CNEIEC	CNEIECC	Transcription error
382	3	CNEIEC	CNEIECC	Transcription error
382	6	CNEIEC	CNEIECC	Transcription error
384	9	CNEIEC	CNEIECC	Transcription error

Subscribed and sworn to before me this 11 th day of November, 2022.


 YAN YUNLONG

EXHIBIT 12

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)) MASTER FILE NO.
ANTITRUST LITIGATION) CV-07-5944 JST

_____)

THIS DOCUMENT RELATES TO:)

ALL INDIRECT PURCHASER ACTIONS)

ALL DIRECT PURCHASER ACTIONS)

DEFENDANTS.)

_____)


VIDEOTAPED DEPOSITION OF YAN YUNLONG
VOLUME II
WEDNESDAY, SEPTEMBER 28, 2022
MACAU S.A.R., CHINA

FILE NO. SF 5436476
REPORTED BY MARK McCLURE, CRR
CAL CSR 12203

1	MR. RUSHING: Okay. We can go off the record.	12:11	1	BY MR. RUSHING:	13:27
2	We are going to reboot -- the thing is going to reboot	12:11	2	Q. Did you talk to him about his intentions to	13:27
3	again at 10:15 so let's come back at 10:20, okay? Does	12:11	3	testify in the case?	13:27
4	that make sense, Mr. Carter?	12:12	4	A. I think the talk was done by our director,	13:27
5	MR. CARTER: It may depend how much you have	12:12	5	Zhang Wenkai. I did not speak with Mr. Su directly.	13:28
6	left because we are getting to the time of Mr. Yan's	12:12	6	Q. Was it your understanding in April of this	13:28
7	lunch break.	12:12	7	year that Mr. Su had agreed to testify in this matter,	13:28
8	MR. RUSHING: Oh, we're going to lunch.	12:12	8	to travel to Macau and testify in this matter?	13:28
9	MR. CARTER: So you're talking about 10:20	12:12	9	MR. CARTER: Object to form.	13:28
10	Pacific would be 1:20 Eastern. That works.	12:12	10	THE WITNESS: At that time, it was agreed that	13:28
11	MR. RUSHING: I'm just saying we will go for a	12:12	11	he would travel to Hong Kong.	13:29
12	little more than an hour because I know the witness	12:12	12	BY MR. RUSHING:	13:29
13	would like a little more time to eat his lunch, and that	12:12	13	Q. And it was your understanding that Mr. Su had	13:29
14	will hopefully avoid the usual evening kerfuffle about	12:12	14	agreed to do that, or was he expressing reservations?	13:29
15	the reboot of our machine so the virus software can run.	12:12	15	A. He was reluctant to agree to do that, and with	13:29
16	MR. CARTER: It works for me.	12:12	16	a lot of reservations.	13:29
17	THE WITNESS: Yes, that works for me.	12:12	17	Q. And why -- what was your understanding of why	13:29
18	MR. RUSHING: Okay. So we'll see you in an	12:12	18	he was reluctant to agree to testify?	13:29
19	hour and eight minutes.	12:12	19	A. I think it was because of cultural background	13:30
20	THE WITNESS: Okay.	12:13	20	and the traditions in Chinese society. No one would	13:30
21	THE VIDEOGRAPHER: We are off the record.	12:13	21	agree to get themselves involved in such a matter. In	13:30
22	It's 12:12 p.m.	12:13	22	the minds of most Chinese people, it's actually not an	13:30
23	(The lunch recess was taken.)	12:13	23	honorable thing to be involved in lawsuits.	13:30
24	THE VIDEOGRAPHER: We are back on the record.	13:25	24	Q. So is it your testimony that in April of this	13:30
25	It's 1:24 p.m.	13:25	25	year -- I guess the question is, had he actually agreed	13:31
Page 227			Page 229		
1	BY MR. RUSHING:	13:25	1	to testify in April, or was he still expressing	13:31
2	Q. Mr. Yan, can you hear me?	13:25	2	reservations?	13:31
3	A. Yes.	13:25	3	MR. CARTER: Object to form.	13:31
4	Q. Okay. Mr. Yan, do you know Mr. Su Xiaohua?	13:25	4	THE WITNESS: He did not give a very	13:31
5	A. Yes.	13:26	5	straightforward "yes" or a consent to agree to	13:31
6	Q. How do you know him?	13:26	6	testifying, but according to our understanding, he was	13:32
7	A. I think we met at work and it was quite early	13:26	7	reluctant even though -- but he still agreed to testify.	13:32
8	on.	13:26	8	BY MR. RUSHING:	13:32
9	Q. When you say "early on," do you mean years	13:26	9	Q. And then at some point, he informed you that	13:32
10	ago?	13:26	10	he would not agree to testify, is that correct?	13:32
11	A. Yes.	13:26	11	When I say "you," I mean someone at Irico who	13:32
12	Q. Do you remember the first time you met him?	13:26	12	was involved in the scheduling of his deposition.	13:32
13	A. I don't remember.	13:27	13	MR. CARTER: Object to form.	13:32
14	Q. Did you ever work with Mr. Su?	13:27	14	BY MR. RUSHING:	13:32
15	MR. CARTER: Object to form.	13:27	15	Q. Strike that. Let me re-ask the question.	13:32
16	THE WITNESS: No.	13:27	16	And then at some time after April of this	13:32
17	BY MR. RUSHING:	13:27	17	year, did he inform Irico that he was unwilling to give	13:32
18	Q. Were you ever in the same department where he	13:27	18	a deposition in the case?	13:33
19	was?	13:27	19	A. At some point in April, he informed us that he	13:33
20	A. No.	13:27	20	was going to leave Irico, and he told us that he was not	13:33
21	Q. Now, you recall that Mr. Su was going to be --	13:27	21	able to make time to be deposed in this case as a	13:33
22	had agreed to testify in this matter, is that correct?	13:27	22	witness.	13:33
23	MR. CARTER: Object to form.	13:27	23	Also, he repeatedly emphasized that he himself	13:34
24	THE WITNESS: Yes.	13:27	24	personally did not have anything to do with the CRT	13:34
25		13:27	25	antitrust litigation, and he did not have any	13:34
Page 228			Page 230		

1 understanding about the circumstances surrounding the	13:34	1 labor employment system for enterprises in China.	13:40
2 situation.	13:34	2 Q. How does it manage the people? Does it pay	13:40
3 Q. And then, did he, in fact -- strike that.	13:34	3 them a pension or do anything like that?	13:40
4 He did, in fact, leave Irico, is that correct?	13:34	4 MR. CARTER: Object to form.	13:40
5 A. Yes.	13:34	5 THE WITNESS: I'm not clear about the	13:41
6 Q. And do you know where he is now?	13:34	6 specifics of the management.	13:41
7 A. I heard that he's now working in a private	13:35	7 BY MR. RUSHING:	13:41
8 company in a city or town called Nanxun. I'm not sure	13:35	8 Q. Do you know if Mr. Su is entitled to any sort	13:41
9 if you know that place.	13:35	9 of pension or retirement payments from Irico?	13:41
10 And I'm not sure if that's in Zhejiang or	13:35	10 A. He cannot be entitled to that.	13:41
11 Jiangsu province.	13:35	11 Q. Why is that?	13:41
12 Q. So he resigned from all Irico-related	13:35	12 A. Mr. Su opted to join the country's labor	13:41
13 companies, is that correct?	13:35	13 society insurance system, so all his pensions and	13:41
14 A. Correct.	13:36	14 retirement payment would have to come from that social	13:42
15 Q. Do you know what the job transfer and	13:36	15 system.	13:42
16 settlement group at IGE-Irico New Energy -- the office	13:36	16 Q. And Irico has no -- there's no -- strike that.	13:42
17 for managing retirees and former employees at CNEIEC --	13:36	17 So Group -- strike that.	13:42
18 strike that.	13:36	18 So there were no Irico companies that have any	13:42
19 Do you know what the job transfer and	13:36	19 responsibility for making any payment to Mr. Su or to	13:42
20 settlement group at IGE-Irico New Energy is?	13:36	20 the labor society insurance system on behalf of Mr. Su,	13:42
21 MR. CARTER: Object to form.	13:36	21 is that correct?	13:42
22 MAIN INTERPRETER: Counsel, do you mind	13:36	22 MR. CARTER: Object to form.	13:42
23 repeating that question for the interpreter?	13:36	23 THE WITNESS: That's correct.	13:43
24 BY MR. RUSHING:	13:36	24 BY MR. RUSHING:	13:43
25 Q. Is there a company affiliated with Irico known	13:36	25 Q. Does Irico have a pension system for some of	13:43
Page 231		Page 233	
1 as the job transfer and settlement group, or similar	13:36	1 its workers?	13:43
2 name?	13:36	2 MR. CARTER: Form.	13:43
3 MR. CARTER: Object to form.	13:36	3 THE WITNESS: Regarding this question, it's	13:44
4 THE WITNESS: I do not know.	13:37	4 not easy to explain. China adopted this labor social	13:44
5 BY MR. RUSHING:	13:37	5 insurance system in the 1990s, so retirees who are	13:44
6 Q. Do you know what the office for managing	13:37	6 gradually retiring since the implementation of that	13:44
7 retirees and former employees at CNEIEC is?	13:37	7 social system would draw their pension from the social	13:44
8 A. I don't know.	13:37	8 insurance system.	13:44
9 Q. Is there a department or group that manages	13:37	9 But prior to the implementation of that system	13:44
10 retirees and former employees?	13:37	10 before the 1990s, anyone who did not opt into that, any	13:44
11 MR. CARTER: Object to form.	13:38	11 social system, and who have retired from their	13:44
12 THE WITNESS: Are you talking about an	13:38	12 employment in enterprises would be managed by the	13:44
13 internal department at Irico Group or just any	13:38	13 Retiree and Departing Employees' office.	13:44
14 department or division having that responsibility	13:38	14 BY MR. RUSHING:	13:44
15 generally in society?	13:38	15 Q. Thank you.	13:45
16 BY MR. RUSHING:	13:38	16 Last week, Mr. Wang Zhaojie was deposed, as I	13:45
17 Q. I'm talking about something affiliated with	13:38	17 think you know, and he indicated that his office -- that	13:45
18 Irico Group, and I don't know if it's a department or a	13:38	18 he worked in the same group as you and Mr. Zhang.	13:45
19 division or a subsidiary of some sort.	13:38	19 Is that correct?	13:45
20 A. There is an Office for Retiree and Departing	13:39	20 MR. CARTER: Object to form.	13:45
21 Employees. That's the name of the office under Irico	13:39	21 THE WITNESS: I never worked with Mr. Wang,	13:46
22 Group.	13:39	22 Wang Zhaojie.	13:46
23 Q. And what is the purpose of that office?	13:39	23 BY MR. RUSHING:	13:46
24 A. It is to manage the people who have retired	13:39	24 Q. Are your offices nearby, presently?	13:46
25 prior to the implementation of the labor contract and	13:40	25 MR. CARTER: Object to form.	13:46
Page 232		Page 234	

1 THE WITNESS: No. 13:46	1 MR. CARTER: Object to form. 13:53
2 BY MR. RUSHING: 13:46	2 THE WITNESS: Yes. 13:53
3 Q. Well, we were asking Mr. -- strike that. 13:46	3 BY MR. RUSHING: 13:53
4 Mr. Wang was asked when he met with anybody in 13:46	4 Q. And am I correct to understand that a great 13:53
5 preparation for his deposition, and he was having 13:46	5 deal -- a great many of the documents that have been 13:54
6 trouble because he said that he sometimes met you and 13:46	6 produced in this case have come from Group's or 13:54
7 Mr. Zhang while he was just walking around. 13:47	7 Display's archives, is that correct? 13:54
8 Do you understand what he means by that? 13:47	8 MR. CARTER: Object to form. 13:54
9 MR. CARTER: Form. 13:47	9 THE WITNESS: All the documents would come 13:54
10 THE WITNESS: He often goes to the 13:48	10 from either the Group or Irico Display Devices. Other 13:55
11 headquarters of the Group to attend meetings, so we will 13:48	11 than these two places, I think only very few documents 13:55
12 meet during the meeting breaks or during the meetings, 13:48	12 would have come from other places. 13:55
13 and also, regarding the CRT antitrust litigation, 13:48	13 BY MR. RUSHING: 13:55
14 sometimes I would chat about the details and the content 13:48	14 Q. Right. 13:55
15 with him or try to understand some information from him. 13:48	15 But my question was about the archives. 13:55
16 We would also meet for that purpose. 13:48	16 Many of the documents come from Display's or 13:55
17 BY MR. RUSHING: 13:48	17 Group's archives, is that correct? 13:55
18 Q. And Mr. Wang also said that he was -- strike 13:49	18 A. A part of the documents came from the Group's 13:55
19 that. 13:49	19 archives. 13:56
20 And Mr. Wang also testified that there was 13:49	20 Q. Okay. Well, I think I understand what the 13:56
21 what he called a working team established at Irico and 13:49	21 archives are, but I just want to make sure that my 13:56
22 that he was a member of that working team, and I believe 13:49	22 understanding is correct, so hopefully this won't take 13:56
23 he was referring to the time period of since 2017. 13:49	23 too long. Maybe it will, but I'm going to try and speed 13:56
24 Do you understand what he means by that? 13:49	24 it up for you, Mr. Yan. 13:56
25 MR. CARTER: Object to form. 13:49	25 It's my understanding -- strike that. 13:56
Page 235	Page 237
1 THE WITNESS: Yes, I do. He was referring to 13:50	1 Am I correct to understand that Chinese law 13:56
2 the working task force, the working group that we formed 13:50	2 and the ministry of finance and state archives 13:56
3 in order to respond to the CRT antitrust litigation. 13:50	3 administration require companies like Irico to maintain 13:56
4 BY MR. RUSHING: 13:50	4 and preserve certain accounting records and other 13:56
5 Q. Has Mr. Wang been on that -- so was Mr. Wang 13:50	5 documents in an archive. 13:56
6 on the team in 2007-2008? 13:50	6 MR. CARTER: Object to form. 13:56
7 MR. CARTER: Object to form. 13:50	7 THE WITNESS: We would keep and maintain all 13:57
8 THE WITNESS: No. 13:50	8 the financial records and other documents in our archive 13:58
9 BY MR. RUSHING: 13:50	9 or archive room according to the rules and regulations 13:58
10 Q. When did Mr. Wang join the team? 13:50	10 of the management of such records and documents by the 13:58
11 A. It was 2017, after the second round of 13:51	11 country. We will strictly follow the nation's rules and 13:58
12 litigation started. 13:51	12 regulations in that regard. 13:58
13 Q. And are you on that team as well? 13:51	13 BY MR. RUSHING: 13:58
14 A. Yes. 13:51	14 Q. And are there employees whose job it is to 13:58
15 Q. Who else is on the team? 13:51	15 collect and preserve those records and documents in 13:58
16 A. There were at least two changes in terms of 13:51	16 accordance with the law and company practice? 13:58
17 the members on the team. Right now, according to what I 13:52	17 A. Yes. 13:58
18 remember, there are Mr. Zhang Wenkai and Ms. Guo 13:52	18 Q. And does the law require original documents to 13:59
19 Xiaoyan, and Ms. Shang Ting, and Mr. Guo Quan and 13:52	19 be preserved? 13:59
20 Ms. Yang Hua. 13:52	20 A. That I'm not sure. Sometimes, what we receive 13:59
21 Q. And one of the -- am I correct to understand 13:52	21 as the original document, in our mind, may even be a 13:59
22 that one of the things that the team is responsible for 13:52	22 copy of that document as well. But even so, we are 13:59
23 is to collect and -- to collect documents for production 13:53	23 still required to keep such copies according to the 13:59
24 in this case after review by your attorneys, is that 13:53	24 country's requirements and rules and regulations. 14:00
25 correct? 13:53	25 Q. And do the rules and regulations of the 14:00
Page 236	Page 238

1 this report was written, to the best of your knowledge, 17:50	1 DEPONENT'S DECLARATION
2 in 2005? 17:50	2
3 MR. RUSHING: Objection to form. Lacks 17:50	3 I, YAN YUNLONG, hereby declare:
4 foundation. 17:50	4 I have read the foregoing deposition
5 MR. BIRKHAUSER: Objection. Leading. 17:50	5 transcript and identify it as my own and approve same.
6 THE WITNESS: It was accurate. 17:50	6 I declare under penalty of perjury under the
7 BY MR. CARTER: 17:50	7 laws of the State of California that the foregoing
8 Q. That paragraph concludes with: "At present, 17:50	8 testimony is true and correct.
9 Caihong Limited has formally handled the procedures 17:50	9 Dated this _____ day of _____, 2022,
10 related to import and export business in the first half 17:50	10 at _____, California.
11 of 2005, from then on Caihong Limited's import and 17:50	11
12 export business is completed independently by itself." 17:50	12
13 Do you see that? 17:50	13 _____
14 A. I see it. 17:50	14 YAN YUNLONG
15 Q. Is this related to the restructuring of 17:51	15
16 Irico's import and export business that happened that 17:51	16
17 you discussed regarding the IPO of Irico Electronics? 17:51	17
18 MR. RUSHING: Objection to the form. Lacks 17:51	18
19 foundation. 17:51	19
20 MR. BIRKHAUSER: Objection. Leading. 17:51	20
21 THE WITNESS: Yes. Yes. 17:51	21
22 MR. CARTER: Could we get the time on the 17:51	22
23 record, please. 17:52	23
24 THE VIDEOGRAPHER: We are at seven hours and 17:52	24
25 seven minutes. 17:52	25
Page 307	Page 309
1 MR. CARTER: Okay. Shall we adjourn here for 17:52	1 STATE OF CALIFORNIA)
2 the day, Geoff? 17:52	2 COUNTY OF SANTA BARBARA) ss.
3 MR. RUSHING: Yes. 17:52	3
4 MR. CARTER: All right. 17:52	4 I, Mark McClure, C.S.R. No. 12203, in and for
5 THE VIDEOGRAPHER: We are off the record. 17:52	5 the State of California, do hereby certify:
6 It's 5:51 p.m. 17:52	6 That prior to being examined, the witness
7 (The deposition concluded at 5:51 p.m.,	7 named in the foregoing deposition was by me duly sworn
8 China Standard Time.)	8 to testify to the truth, the whole truth, and nothing
9 --oOo--	9 but the truth;
10	10 That said deposition was taken down by me in
11	11 shorthand at the time and place therein named and
12	12 thereafter reduced to typewriting under my direction,
13	13 and the same is a true, correct, and complete transcript
14	14 of said proceedings;
15	15 That if the foregoing pertains to the original
16	16 transcript of a deposition in a Federal Case, before
17	17 completion of the proceedings, review of the transcript
18	18 { } was {X} was not required.
19	19 I further certify that I am not interested in
20	20 the event of the action.
21	21 WITNESSED my hand and the seal of my office this _____ day of October,
22	22 2022.
23	23 
24	24 Certified Shorthand Reporter
25	25 State of California
Page 308	Page 310
	CSR No. 12203

CERTIFICATE OF DEPONENT

I, YAN YUNLONG, hereby certify that I have read the foregoing pages, numbered 150 through 308, of my deposition of testimony taken in these proceedings on Wednesday, September 28, 2022, and, with the exception of the changes listed on the next page and/or corrections, if any, find them to be a true and accurate transcription thereof.

Signed: _____

Name: Yan Yunlong

Date: _____

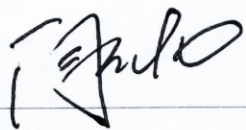
ERRATA SHEET

Case Name: In Re Cathode Ray Tube Antitrust Litigation

Witness Name: Yan Yunlong

Date: 09/28/2022

PAGE	LINE	NOW READS	SHOULD READ	REASON
180	23	IRC-CRT-00000232	IRI-CRT-00000232	Transcription error
181	13	IRC-CRT-00000232	IRI-CRT-00000232	Transcription error
182	11	IRC-CRT-00000234	IRI-CRT-00000234	Transcription error
218	6	substance, if any, advice	substance of any advice	Transcription error
222	2	presenting my advices	presenting my advice	Transcription error
225	19	from the CNEIEC	from CNEIECC	Transcription error
226	1	sales department of CNEIEC	sales department of CNEIECC	Transcription error
230	19	At some point in April	At some point after April	Misspoken
232	7	employees at CNEIEC	employees at CNEIECC	Transcription error
263	12	IRC-CRT-00024837	IRI-CRT-00024837	Transcription error
283	21	MR. CARTER	MR. RUSHING	Transcription error
285	7	CNEIEC	CNEIECC	Transcription error
299	18	state-owned Assets Supervision and Administration Commission	State-Owned Assets Supervision and Administration Commission	Transcription error

Subscribed and sworn to before me this 11 th day of November, 2022.


YAN YUNLONG

EXHIBIT 13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)) MASTER FILE NO.
ANTITRUST LITIGATION) CV-07-5944 JST

-----)
)

THIS DOCUMENT RELATES TO:)
)

ALL INDIRECT PURCHASER ACTIONS)
ALL DIRECT PURCHASER ACTIONS)

)
DEFENDANTS.)

-----)

VIDEOTAPED DEPOSITION OF YAN YUNLONG
VOLUME I
TUESDAY, SEPTEMBER 27, 2022
MACAU S.A.R., CHINA

FILE NO. SF 5436473

REPORTED BY MARK McCLURE, CRR
CAL CSR 12203

1 BY MR. BIRKHAUSER: 13:42	1 A. No. 13:49
2 Q. How frequently would the legal department make 13:42	2 Q. As general counsel of Irco Group, did you 13:49
3 appearances in court on the company's behalf before 13:42	3 provide advice to Irco's board of directors? 13:49
4 2011? 13:43	4 A. Yes. 13:49
5 A. Two to three lawsuits a year, approximately. 13:43	5 Q. And during what time period did you provide 13:50
6 Q. And under what conditions would the legal 13:43	6 advice to Irco's board of directors? 13:50
7 department represent the company in court? 13:43	7 A. That question is too broad. 13:50
8 A. When the legal relationship involved in the 13:43	8 Q. Can you give me your best estimate? 13:50
9 case is clearer and the merits or facts of the case are 13:43	9 A. For example, when the Group company announces 13:50
10 clearer, we would represent the company on our own in 13:44	10 major external investment projects, it will have to go 13:51
11 order to save some money. 13:44	11 under the review by the board of directors, and the 13:51
12 Q. Okay. I'm looking again at your résumé, 8601. 13:44	12 legal department would be asked to provide consultation 13:51
13 A. Okay. 13:44	13 on those reviews to see if there are any legal risks 13:51
14 Q. So we just looked at the time period from 2011 13:44	14 associated with the project. 13:51
15 to 2020 in which you were the deputy general counsel of 13:44	15 And me working as the general counsel, I would 13:51
16 Irco Group, right? 13:44	16 provide the legal advices or legal opinions to the board 13:51
17 A. Yes. 13:44	17 of directors. 13:51
18 Q. Then, I wonder if you can explain to me why, 13:44	18 Q. Currently, as general counsel of Irco Group, 13:51
19 at the same time, you were deputy director, Irco Group 13:44	19 who do you report to? 13:51
20 administration and legal affairs department for 2013 to 13:45	20 A. As the general counsel, currently, I report to 13:51
21 2016, and director of Irco Group legal affairs 13:45	21 our general manager. 13:52
22 department from 2016 to present. 13:45	22 Q. And who is your most immediate subordinate? 13:52
23 A. At that time, in 2013, I was the deputy 13:45	23 A. You're talking about my subordinate, right? 13:52
24 director of the administration and legal affairs 13:45	24 Q. Yes, I am. 13:52
25 department. 13:45	25 A. It would be the deputy director in my legal 13:52
Page 90	Page 92
1 Q. Is it fair to say that these other two 13:46	1 affairs department. 13:52
2 positions were positions you held in addition to being 13:46	2 Q. And who's the deputy director of the legal 13:52
3 deputy general counsel? 13:46	3 affairs department currently? 13:52
4 A. It's not like that. It was that my managerial 13:46	4 A. Wenkai Zhang. 13:52
5 role was transferred from the Enterprise Management 13:46	5 Q. I'm going to ask you some questions about the 13:53
6 Department to the Irco Group office, so I was actually 13:46	6 production of documents to the plaintiffs in the 13:53
7 working, serving a position in the administration and 13:46	7 litigation that brings us here today, the CRT antitrust 13:53
8 legal affairs department under the Group. 13:47	8 case. 13:53
9 Q. Okay. 13:47	9 A. Okay. 13:53
10 A. Let me say one thing. 13:47	10 Q. First of all, I want to ask you about 13:53
11 In 2013, it was the time when CEIEC performed 13:47	11 documents that you yourself produced to the plaintiffs 13:53
12 the major reorg of the Irco Group, so the job functions 13:47	12 personally. 13:53
13 and organizations within Irco were -- went through a 13:47	13 MR. CARTER: Object to form. 13:54
14 major change. 13:47	14 BY MR. BIRKHAUSER:
15 Q. When you say "CEIEC," did you mean China 13:48	15 Q. So did you ever search your own files to 13:54
16 National Electronics? 13:48	16 locate documents to be produced to the plaintiffs in 13:54
17 A. CEC. 13:48	17 this case? 13:54
18 Q. What does CEC stand for? 13:48	18 A. Yes. 13:54
19 A. China Electronics Information Industry 13:48	19 Q. Do you remember when you first searched your 13:54
20 Company. 13:48	20 files for documents to produce in this case? 13:54
21 Q. Okay. Getting back to your duties as deputy 13:48	21 MAIN INTERPRETER: Interpreter needs a moment. 13:55
22 director of Irco Group administration and legal affairs 13:48	22 THE WITNESS: It was when we were working on 13:55
23 department, did you perform job functions in that role 13:49	23 the motion for state sovereignty immunity that we were 13:55
24 that were different than your role as general counsel to 13:49	24 looking for documents for production. 13:55
25 Irco Group? 13:49	25 BY MR. BIRKHAUSER: 13:55
Page 91	Page 93

1 STATE OF CALIFORNIA)
2 COUNTY OF SANTA BARBARA) ss.
3

4 I, Mark McClure, C.S.R. No. 12203, in and for
5 the State of California, do hereby certify:

6 That prior to being examined, the witness
7 named in the foregoing deposition was by me duly sworn
8 to testify to the truth, the whole truth, and nothing
9 but the truth;

10 That said deposition was taken down by me in
11 shorthand at the time and place therein named and
12 thereafter reduced to typewriting under my direction,
13 and the same is a true, correct, and complete transcript
14 of said proceedings;

15 That if the foregoing pertains to the original
16 transcript of a deposition in a Federal Case, before
17 completion of the proceedings, review of the transcript
18 { } was { } was not required.

19 I further certify that I am not interested in
20 the event of the action.

21 Witness my hand this 12 day of October,
22 2022.

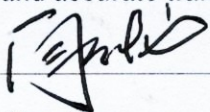
23 

24 Certified Shorthand Reporter
State of California
25 CSR No. 12203

CERTIFICATE OF DEPONENT

I, YAN YUNLONG, hereby certify that I have read the foregoing pages, numbered 1 through 149, of my deposition of testimony taken in these proceedings on Tuesday, September 27, 2022, and, with the exception of the changes listed on the next page and/or corrections, if any, find them to be a true and accurate transcription thereof.

Signed: _____



Name: · Yan Yunlong

Date: ·

2022.11.11

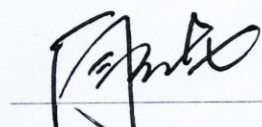
ERRATA SHEET

Case Name: In Re Cathode Ray Tube Antitrust Litigation

Witness Name: Yan Yunlong

Date: 09/27/2022

PAGE	LINE	NOW READS	SHOULD READ	REASON
41	16	"The Economist"	"Economist"	Transcription error
45	24	Morrison Foster	Morrison Foerster	Transcription error
58	7	color display tube	color picture tube	Translation error
65	11	computers were often seen	computers were not often seen	Translation error
88	10	deputy general manager	deputy general counsel	Transcription error
101	14	IRC-CRT-00005995	IRI-CRT-00005995	Transcription error
109	25	in this cas	in this case	Transcription error
113	20	CEIEC	CNEIECC	Transcription error
127	8	the Group's efforts	the group efforts	Transcription error
134	23	Wang Ximen	Wang Ximin	Transcription error
137	16	paying attention to	pay attention to	Transcription error

Subscribed and sworn to before me this 11th day of November, 2022.


 YAN YUNLONG

EXHIBIT 14

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TELECOPIER: (415) 217-6813

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November 16, 2021

VIA EMAIL

Evan J. Werbel
Baker Botts LLP
700 K Street, N.W.
Washington, D.C. 20001
evan.werbel@bakerbotts.com

Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation* – MDL No. 1917,
Master File No. 07-CV-5944-JST

Dear Evan:

We write in response to your November 2, 2021, letter regarding Plaintiffs' depositions of current and former Irico employees, and to request a meet and confer conference to discuss a number of related issues.

First, in light of the parties' disagreement over the location of the depositions, Plaintiffs intend to contact Judge Walker to resolve the matter in accordance with section VI of the Order re Discovery and Case Management Protocol (ECF No. 1128) ("Disputes that cannot be resolved through the meet and confer process shall be decided on an expedited basis by the Special Master through a telephonic hearing with no briefing unless ordered.").

Second, your November 2 letter indicates that you are willing to produce Messrs. Wang and Su (via videoconference from Hong Kong). Irrespective of location, you did not, however, state when you would be able to do so. Please provide additional information about the availability of Messrs. Wang and Su for depositions at your earliest convenience.

Third, please provide an update on the expected completion of Irico's document productions, including the timing and future volume. This information is relevant to the timing of the depositions.

Fourth, in our August 26, 2021, letter we asked you to "provide the names and availability of . . . any individuals to be offered at trial." Inasmuch as you have not

Evan J. Werbel

11/16/2021

Page 2

responded, we understand that you do not intend call anyone else at trial. Please notify us immediately if this is not correct.

Fifth, you state that Messrs. Chen, Si and Li have “no knowledge of the facts relevant to the allegations in your complaint.” However, Mr. Li, as a plant manager during the class period, will likely have information relating to production cuts and inventory levels, among other relevant facts. We also understand that Mr. Si may have been a director of Irico Display and Irico Group Electronics during the class period. Both Mr. Si and Mr. Chen may have information about the facts relevant to the alleged conspiracy both stemming from their roles at their previous companies and their roles in managing the defendant Irico companies after the class period. Moreover, all three will undoubtedly have information that will *lead* to the discovery of admissible evidence.

Sixth, Plaintiffs would like to meet and confer regarding the current availability of former employees.

Please let us know your availability later this week or early next week to meet and confer.

Thank you.

Very truly yours,

/s/ R. Alexander Saveri

R. Alexander Saveri

Lead Counsel for the Direct Purchaser Plaintiffs

/s/ Lauren C. Capurro

Lauren C. Capurro

Lead Counsel for the Indirect Purchaser Plaintiffs

Cc: John M. Taladay
Thomas E. Carter
Andrew L. Lucarelli
Kaylee Yang
Geoffrey C. Rushing
Matthew D. Heaphy
Mario N. Alioto
Daniel E. Birkhaeuser

EXHIBIT 15

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November 18, 2021

Evan Werbel
TEL: 202.639.1323
FAX: 202.585.4077
evan.werbel@bakerbotts.com

VIA E-MAIL (RICK@SAVERI.COM,
LAURENRUSSELL@TATP.COM)

R. Alexander Saveri
Saveri & Saveri, Inc.
706 Sansome Street
San Francisco, CA 94111

Lauren C. Capurro
Trump Alioto Trump & Prescott LLP
2280 Union Street
San Francisco, CA 94123

Re: In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Master File
No. 07-CV-944-JST

Dear Rick and Lauren:

I write in response to your November 16, 2021 letter (“Nov. 16 Letter”) regarding depositions. We agree that most of the issues raised in your letter are best addressed in a meet and confer. We are available anytime on Tuesday, November 23, 2021 from 1:00 to 5:00 eastern. Please let us know what times work for Plaintiffs. Below we address some of the issues raised in your letter to facilitate our discussions.

First, Irico has no objection to involving Judge Walker in the ongoing disagreement regarding the location of the depositions.

Second, Irico is working with Messrs. Wang Zhaojie and Su Xiaohua regarding their availability for depositions and will provide dates as soon as possible. The everchanging COVID-19 crisis is delaying the finalization of these issues.

Third, in terms of Irico’s responses to outstanding Requests for Production, Irico has completed its search and production of materials from its archives. Irico is now working on collecting and producing responsive personnel records and is hoping to produce that information by the end of the month. Irico is also finalizing issues related to its production of sales summaries and/or records. We hope to have those issues resolved this month as well. Finally, Irico is still awaiting a response from Plaintiffs regarding the need to produce certain financial records discussed in our letters of October 11, 2021 and October 22, 2021.

BAKER BOTTS LLP

R. Alexander Saveri
Lauren C. Capurro

- 2 -

November 18, 2021

Fourth, Irico has not made any final decisions regarding potential witnesses at trial. We are still in the discovery phase of this matter. Irico does not believe that it is under any obligation to provide a list of trial witnesses to Plaintiffs at this time.

Fifth, we continue to disagree with Plaintiffs' suggestion that the depositions of Messrs. Chen, Si and Li are warranted in this matter, especially given the severe burdens placed on anyone traveling for a deposition given the pandemic. Mr. Li is not alleged to have been involved in the allegations raised in the complaint. The burden of the mandated quarantine coupled with his health issues certainly outweigh any minimal information he may have from his role working in the CRT plant. Regarding Mr. Si, we are not aware of any information that he had any role at Irico prior to 2013, and Plaintiffs provide no support for their statement that he "may have been a director of Irico Display and Irico Group Electronics during the class period." Based on your statements in your Nov. 16 Letter, it is clear there is no legitimate basis for the depositions of Messrs. Si and Chen, and your position is at odds with the well settled law in this district prohibiting the "apex" depositions of senior management with no firsthand knowledge of events from the relevant time period. *See M.H. v. Cty. of Alameda*, Case No. 11-cv-02868-JST, 2013 WL 5297176, at *1-2 (N.D. Cal. Oct. 3, 2013) (Tigar, J.); *see also Affinity Labs of Tex. v. Apple, Inc.*, No. C 09-4436 CW (JL), 2011 WL 1753982, at *16-17 (N.D. Cal. May 9, 2011).

As mentioned, we are available to discuss all of these issues on Tuesday, November 23, 2021. Please let us know your availability.

Sincerely,

/s/ Evan Werbel
Evan Werbel

cc: Geoffrey C. Rushing
Matthew D. Heaphy
Mario N. Alioto
Daniel E. Birkhauser

EXHIBIT 16

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December 3, 2021

VIA E-MAIL (RICK@SAVERI.COM,
LAURENRUSSELL@TATP.COM)

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San Francisco, CA 94123

Evan Werbel
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evan.werbel@bakerbotts.com

Re: In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Master File
No. 07-CV-944-JST

Dear Rick and Lauren:

I write to follow-up on our ongoing discussions regarding the scheduling of depositions for Mr. Wang Zhaojie and Mr. Su Xiaohua. As we have told you previously, Irco is prepared to offer these witnesses for depositions and both have agreed to be deposed in this matter. However, there are a number of issues involving the COVID-19 pandemic and Chinese law that are significantly complicating our efforts to schedule these depositions.

As you know we had planned to offer these witnesses in Hong Kong for remote depositions in December. Both Mr. Wong and Mr. Su remain willing to be deposed but are very concerned that travel may result in exposure to the coronavirus and about the severe quarantine requirements they would face. With cases worldwide on the rise and the new threat from the Omicron variant, the risks of contracting the coronavirus are of increasing concern.¹ Also, as discussed previously, Mr. Wang and Mr. Su will face quarantine periods of at least two- to four-weeks on their return to mainland China from Hong Kong. Irco has been unable to convince

¹ Just this week, the Omicron variant was identified in Hong Kong. See <https://www.scmp.com/news/hong-kong/health-environment/article/3157987/omicron-coronavirus-variant-could-greatly-reduce>.

BAKER BOTTS LLP

R. Alexander Saveri
Lauren C. Capurro

- 2 -

December 3, 2021

either Mr. Wang or Mr. Su of their safety, so at this time we do not have a solution and do not anticipate being able to schedule these depositions in December or January.

As you know from our discussions, we have sought ways to produce the witnesses remotely from China, which would eliminate any travel risk. However, any depositions (including those conducted remotely) are prohibited in mainland China.² We therefore cannot lawfully propose that the depositions be conducted with the witnesses in China. As discussed on our last meet and confer call, if Plaintiffs have any authority that supports the lawful taking of depositions in mainland China, we welcome your input. Irico is also investigating whether it can obtain a waiver or exemption from the Chinese government to conduct the deposition, but it is not clear if or when such a waiver or exemption could be obtained. We understand that Plaintiffs' position is that Irico should force these employees to travel despite the legitimate health risks that they face, but we do not believe that is defensible given how courts have accommodated the health concerns of witnesses and lawyers during the pandemic.³

Given that Plaintiffs want to depose these witnesses and Irico wants to produce them but is unable to do so within the current discovery schedule, we recommend that all parties jointly approach the Court to ask for a discovery extension. We believe that a six-month discovery extension would give the parties the best chance to complete these depositions, which is what all parties want. In that time, we hope to be able to either produce the witnesses in Hong Kong or to identify a way of conducting the depositions remotely and lawfully from China. We are not proposing any changes to the current schedule for DPPs' class certification motion. Given the importance of the depositions to the factual record in the case, we propose that the agreement also should include pushing back the current IPP schedule by six months.

* * * *

² See, e.g., China Judicial Assistance Information (“China does **not** permit attorneys to take depositions in China for use in foreign courts” (emphasis in original)), available at <https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information/China.html>; see also Order Regarding Consent Addendums to the Fact Witness Deposition Protocol at 3, *In re: Valstartan N-Nitrosodimethylamine (NDMA), Lostartan, and Irbesartan Products Liability Litigation*, Civil No. 19-2875 (D.N.J. Dec. 30, 2020), ECF No. 701; *Ji v. Jling, Inc.*, 2019 WL 1441130, at *2, 4, and 6 (E.D.N.Y. Mar. 31, 2019).

³ See *Brower v. McDonalds Corp.*, No. 2:19-cv-02099-GMN-BNW, 2021 WL 3573633, at *2-3 (D. Nev. May 28, 2021) (holding that “even if certain persons are fully vaccinated, travel still presents a risk of infection because McDonald’s has no control over the conduct or vaccination status of third parties”); see also *Mosiman v. C & E Excavating, Inc.*, No. 3:19-CV-00451-DRL-MGG, 2021 WL 1100597, at *2-4 (N.D. Ind. Mar. 23, 2021) (noting that “courts all around the country have found that the health concerns created by the COVID-19 pandemic are a legitimate reason to take a deposition by remote means”).

BAKER BOTTS_{LLP}

R. Alexander Saveri
Lauren C. Capurro

- 3 -

December 3, 2021

Please let us know whether Plaintiffs are amendable to our proposal by Tuesday, December 7. We are also available to meet and confer on these issues on Monday or Tuesday as well.

Sincerely,

/s/ Evan Werbel
Evan Werbel

cc: Geoffrey C. Rushing
Matthew D. Heaphy
Mario N. Alioto
Daniel E. Birkhauser

EXHIBIT 17



City of New York, State of New York, County of New York

I, Dan McCourt, hereby certify that the document “**IRI-SU-000129**” is, to the best of my knowledge and belief, a true and accurate translation from Chinese into English.

A handwritten signature in black ink that reads 'Dan M'.

Dan McCourt

Sworn to before me this
May 25, 2023

A handwritten signature in black ink, appearing to be 'WPO'.

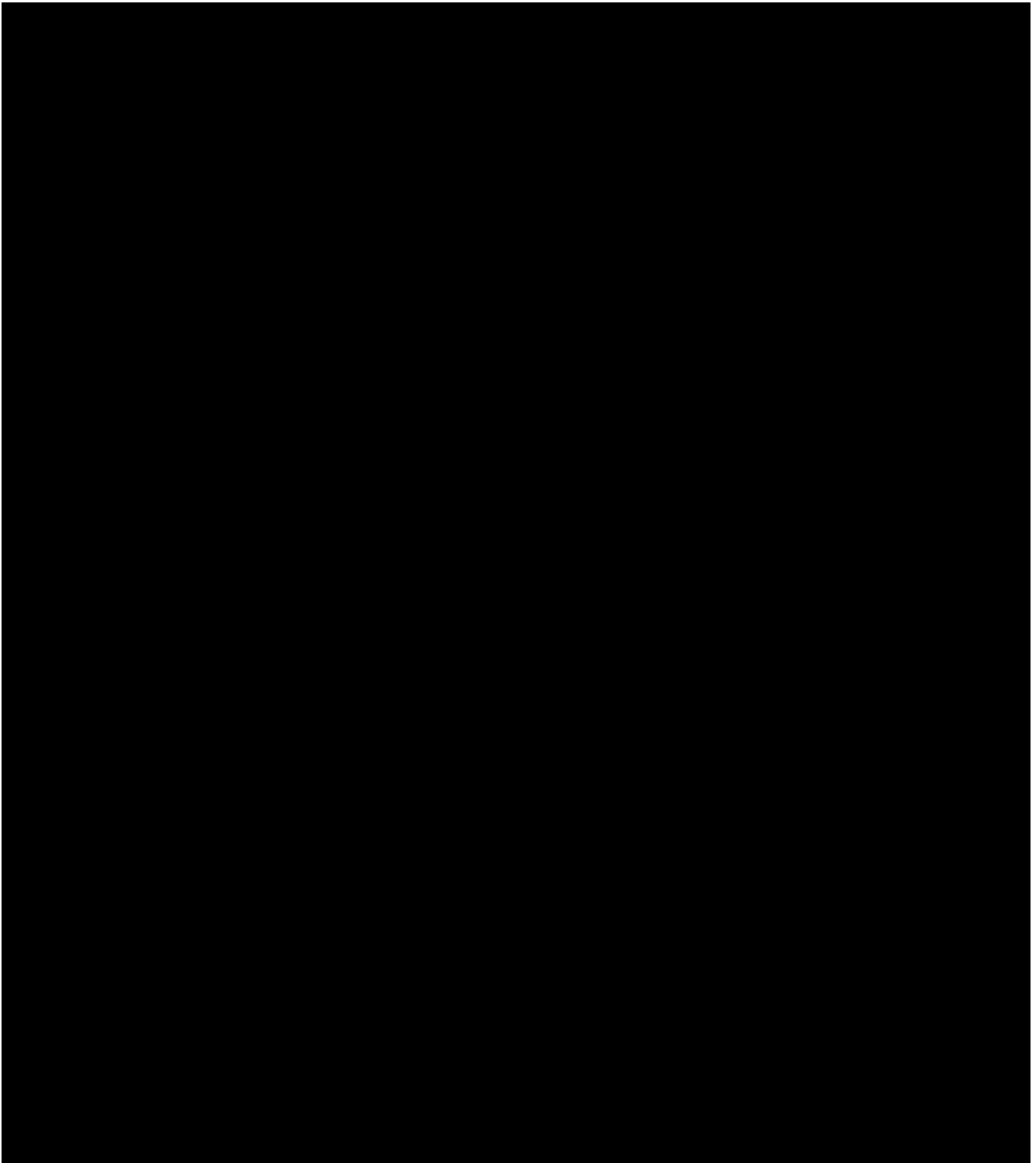
Signature, Notary Public



Stamp, Notary Public

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IRI-SU-000129

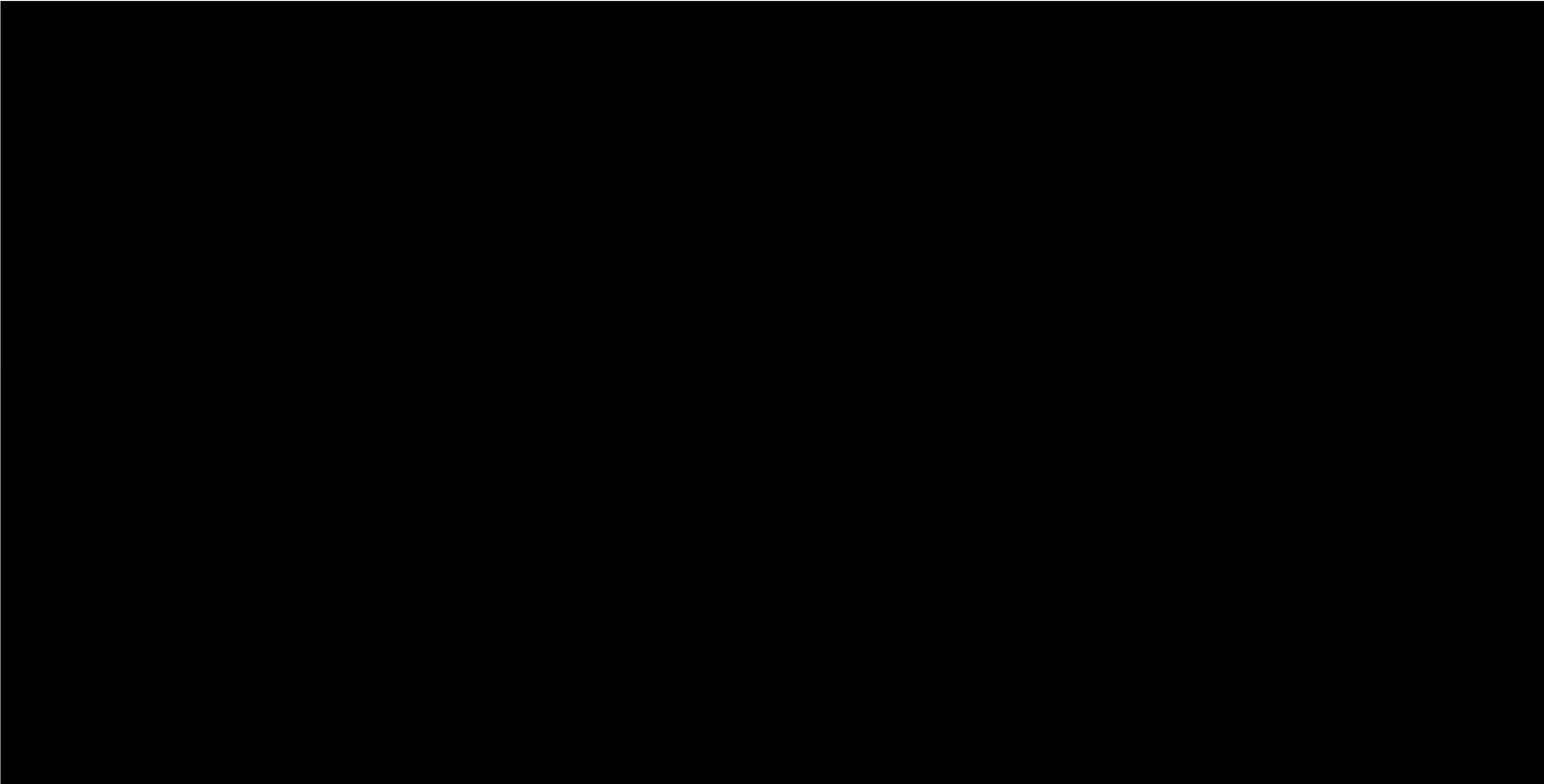


EXHIBIT 18



City of New York, State of New York, County of New York

I, Dan McCourt, hereby certify that the document “**IRI-SU-000130**” is, to the best of my knowledge and belief, a true and accurate translation from Chinese into English.

A handwritten signature in black ink that reads 'Dan M'.

Dan McCourt

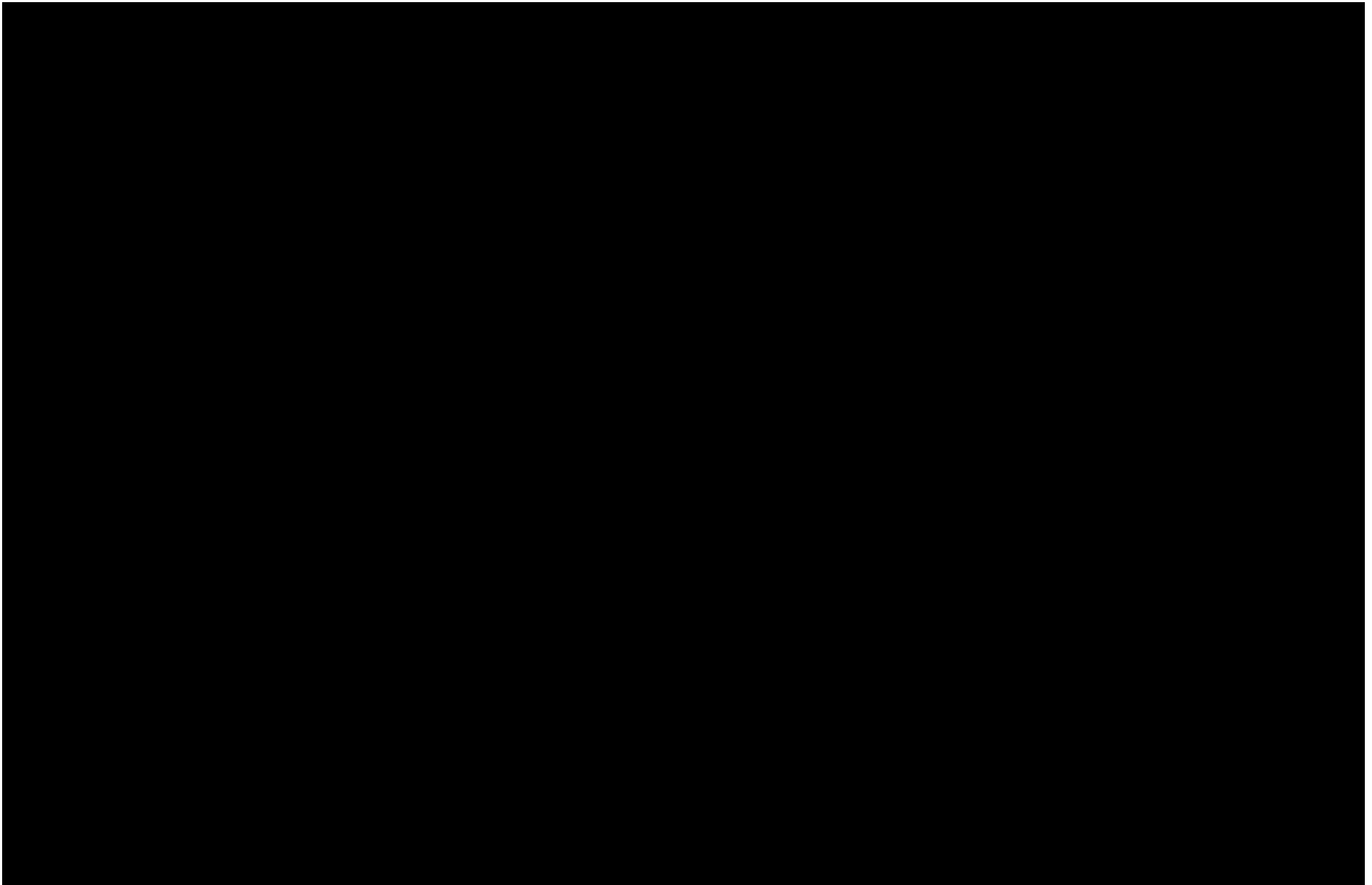
Sworn to before me this
May 25, 2023

A handwritten signature in black ink, appearing to be 'WPO'.

Signature, Notary Public



Stamp, Notary Public



CONFIDENTIAL

IRI-SU-000130

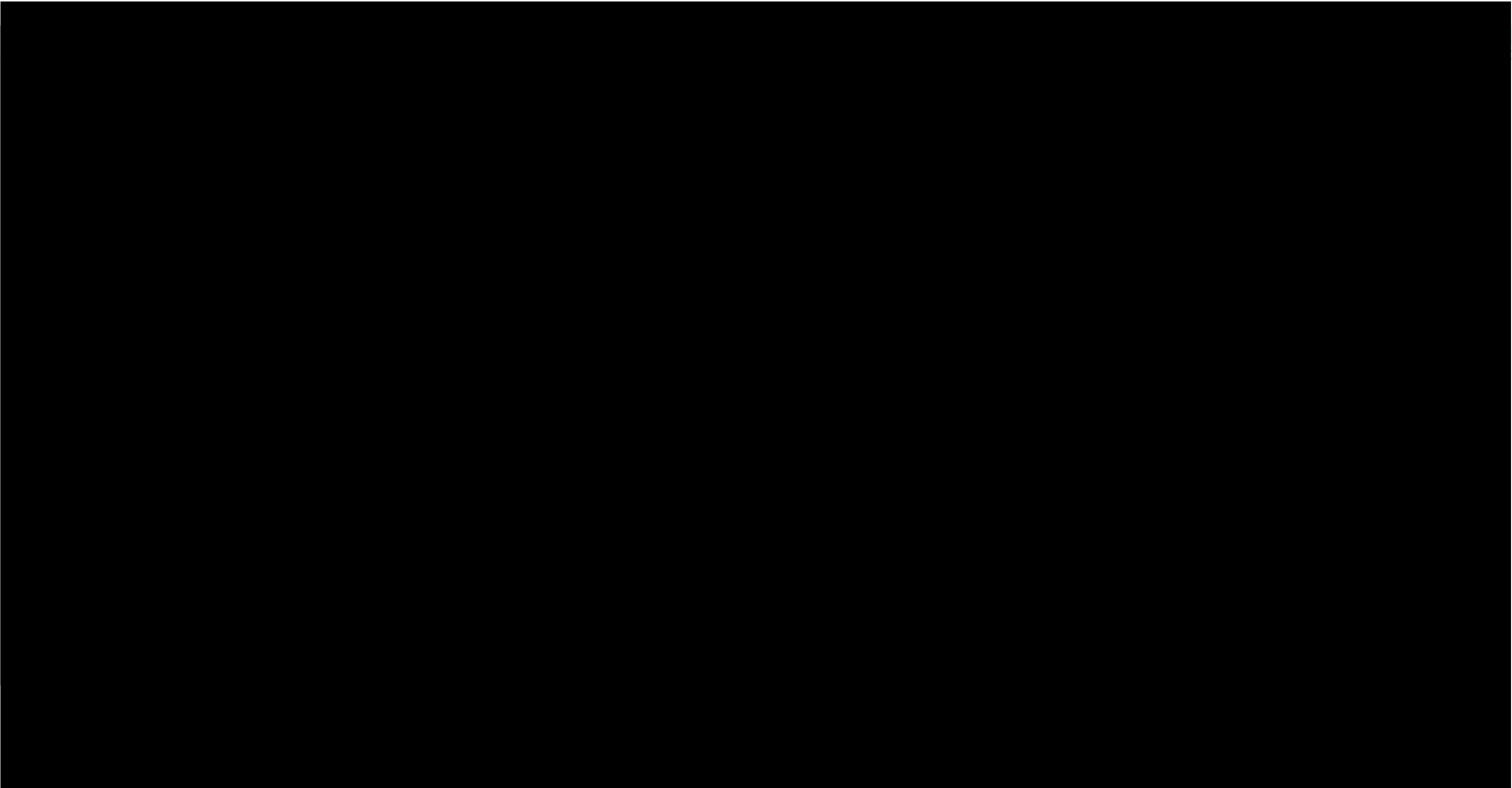


EXHIBIT 19

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February 24, 2022

VIA E-MAIL (RICK@SAVERI.COM,
LAURENRUSSELL@TATP.COM)

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Re: In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Master File
No. 07-CV-944-JST

Dear Rick and Lauren:

We received your letter today regarding outstanding issues, and we are working on our responses to the various items. One pressing issue has arisen that we wanted to raise now. Irico has informed us that Mr. Wang and Mr. Su have not been able to obtain the necessary visas to travel to Hong Kong for depositions in March. The Covid numbers have been soaring in Hong Kong, as you have probably seen in recent press articles. *See* Grace Tsoi, Hong Kong: What went wrong with its Covid plan?, BBC News (Feb. 23, 2022), <https://www.bbc.com/news/world-asia-china-60474342>. Travel to Hong Kong has been curtailed, and the Customs Office has informed Irico that no visas can be issued to Irico employees for travel to Hong Kong at this time. Unfortunately, these issues are beyond Irico's control, and there is nothing that Irico can do to change these circumstances. Without the requisite visas, Mr. Wang and Mr. Su are not able to leave mainland China, and we do not believe the circumstances will change in the next few weeks based on the current Covid numbers in Hong Kong.

Given the above, we propose that the parties agree to another extension of the relevant deadlines to allow for some reduction in the Covid numbers in Hong Kong. We don't know exactly when travel will be allowed but believe that a three-month extension is appropriate at this time. If Plaintiffs are agreeable to this extension, we propose filing a joint stipulation and proposed order with Judge Tigar extending all currently scheduled dates except for the remaining dates related to DPPs' Class Certification Motion.

BAKER BOTTS_{LLP}

R. Alexander Saveri
Lauren C. Capurro

- 2 -

February 24, 2022

We are available to meet and confer if you would like to discuss these issues further.

Sincerely,

/s/ Evan Werbel
Evan Werbel

cc: Geoffrey C. Rushing
Matthew D. Heaphy
Mario N. Alioto
Daniel E. Birkhauser

EXHIBIT 20

BAKER BOTTS LLP

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March 15, 2022

VIA E-MAIL (RICK@SAVERI.COM,
LAURENRUSSELL@TATP.COM)

Evan Werbel
TEL: 202.639.1323
FAX: 202.585.4077
evan.werbel@bakerbotts.com

R. Alexander Saveri
Saveri & Saveri, Inc.
706 Sansome Street
San Francisco, CA 94111

Lauren C. Capurro
Trump Alioto Trump & Prescott LLP
2280 Union Street
San Francisco, CA 94123

Re: In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Master File
No. 07-CV-944-JST

Dear Rick and Lauren:

As we have been discussing, the depositions of Mr. Wang Zhaojie and Mr. Su Xiaohua in Hong Kong cannot occur as planned prior to March 18, 2022 due to the ongoing COVID-19 emergency situation in Hong Kong. Irico has been working on alternate arrangements that will allow Irico to produce Messrs. Wang and Su, as well as Mr. Yan Yunlong, for deposition. Irico believes that Macau is likely to be the best location for these depositions given the current circumstances surrounding COVID in China. Irico's goal, subject to obtaining the appropriate visas from the Chinese government, is to produce the three witnesses in Macau by the end of May. Irico is currently working on submitting applications for travel to Macau to governmental authorities, and we will provide you a further update in the next two weeks.

In the meantime, Irico proposes that the parties stipulate to the removal of the current March 18, 2022 deadline for the depositions in Hong Kong of Messrs. Wang and Su, given the current circumstances in Hong Kong. We are happy to provide a draft stipulation.

We are available to meet and confer if you would like to discuss these issues further.

BAKER BOTTS_{LLP}

R. Alexander Saveri
Lauren C. Capurro

- 2 -

March 15, 2022

Sincerely,

/s/ Evan Werbel
Evan Werbel

cc: Geoffrey C. Rushing
Matthew D. Heaphy
Mario N. Alioto
Daniel E. Birkhauser

EXHIBIT 21

SAVERI & SAVERI, INC.

706 SANSOME STREET
SAN FRANCISCO, CALIFORNIA 94111
TELEPHONE: (415) 217-6810
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Trump Alioto Trump & Prescott

ATTORNEYS LLP
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April 26, 2022

VIA EMAIL

Evan J. Werbel
Baker Botts LLP
700 K Street, N.W.
Washington, D.C. 20001
evan.werbel@bakerbotts.com

Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation* – MDL No. 1917,
Master File No. 07-CV-5944-JST

Dear Evan:

Following up on our call today, you provided the following updates regarding the scheduling, location and timing of the depositions of Su Xiaohua, Wang Zhaojie, and Yan Yunlong:

- Irico plans to produce the three witnesses in Macao for deposition by video.
- A law firm in Macao has issued invitation letters to the witnesses which have been finalized and sent. They are in a mail quarantine facility from which they are expected to be released by April 30.
- It will take 10-14 days for the visa applications to be processed, thus the earliest Irico would produce the witnesses is Monday, May 16. Your understanding is the visas provide permission for the witnesses to travel from China; the time frame for travel would begin upon entry in Macao.
- Irico's current plan is to produce one witness per week, beginning with Mr. Su, followed by Mr. Wang, and then Mr. Yan. Depending on when the visas are issued and other unknowns, it is likely that some of the deposition dates will occur in June. Please note that Plaintiffs will not proceed with the deposition of Mr. Yan until their motion to compel Irico to produce its litigation hold communications with its former counsel is resolved.
- It is possible that Irico's in-house counsel may accompany the witnesses to Macao.

Please supplement this information as soon as feasible if there are any changes or updates.

Evan J. Werbel

4/26/2022

Page 2

We also discussed the issue of entering into a stipulated remote deposition protocol. Plaintiffs will be prepared to discuss further on our next call.

Lastly, the parties agreed to investigate issues such as the use of interpreters and videographers prior to our next call, likely early next week.

Thank you.

Very truly yours,

/s/ Geoffrey C. Rushing

Geoffrey C. Rushing

Lead Counsel for the Direct Purchaser Plaintiffs

/s/ Lauren C. Capurro

Lauren C. Capurro

Lead Counsel for the Indirect Purchaser Plaintiffs

Cc: John M. Taladay
Thomas E. Carter
Andrew L. Lucarelli
Kaylee Yang
R. Alexander Saveri
Matthew D. Heaphy
Mario N. Alioto
Daniel E. Birkhaeuser

crt.778

EXHIBIT 22

Matthew Heaphy

From: Werbel, Evan <evan.werbel@bakerbotts.com>
Sent: Wednesday, May 18, 2022 2:19 PM
To: Matthew Heaphy
Cc: Taladay, John; Carter, Tom; Lucarelli, Drew; Yang, Kaylee; Rick Saveri; Geoff Rushing; Mario Alioto; Lauren Russell; Dan Birkhaeuser
Subject: RE: In re Cathode Ray Tube (CRT) Antitrust Litigation – MDL No. 1917, Master File No. 07-CV-5944-JST

Matt, We wanted to give Plaintiffs the following update on the various issues related to the planned depositions raised in your below correspondence:

- **Visas:** The process continues to move forward. The last report that we received was that the client expects to receive the Visa approvals next week. We will keep you posted on when they are received. Once the visas and dates are finalized, the client will need to finalize travel and other related issues so will need a few days to get everything in order. At this point, we think it is safe to plan for the first deposition to start the week of Memorial Day, but we hope to have more information on this in the coming days.
- **Location:** At this time, we believe the witnesses will appear from their hotel rooms.
- **Counsel:** In-house counsel will travel to Macau with most of the witnesses and will participate in the depositions. We are reviewing the proposed deposition protocol that Dan circulated last night, and we can address how this will work logistically in that document.
- **Translators:** All of the Irico witness will require translators. Irico will pay for the translators per the Case Management Protocol. We believe it will be most efficient to coordinate these services through the court reporter.
- **Witness CVs:** To the extent not already provided, Irico will provide Plaintiffs with job histories for the witnesses. For Mr. Su, please see a complete work history at IRI-CRT-00031561, which Plaintiffs have already translated as Ex. 26 of their MTC on Apex depositions.

We will provide additional updates as they become available.

Thanks,
Evan

Evan J. Werbel

Baker Botts L.L.P.

evan.werbel@bakerbotts.com

T - 202.639.1323

M - 202.744.0819

700 K Street, NW
Washington, DC 20001
USA

From: Werbel, Evan

Sent: Friday, May 13, 2022 2:29 PM

To: 'Matthew Heaphy' <mheaphy@saveri.com>

Cc: Taladay, John <john.taladay@bakerbotts.com>; Carter, Tom <Tom.Carter@BakerBotts.com>; Lucarelli, Drew <drew.lucarelli@bakerbotts.com>; Yang, Kaylee <kaylee.yang@bakerbotts.com>; 'Rick Saveri' <rick@saveri.com>; 'Geoff

Rushing' <geoff@saveri.com>; 'Mario Alioto' <MAlioto@TATP.com>; 'Lauren Russell' <LaurenRussell@TATP.com>; 'Dan Birkhaeuser' <dbirkhaeuser@bramsonplutzik.com>

Subject: RE: In re Cathode Ray Tube (CRT) Antitrust Litigation – MDL No. 1917, Master File No. 07-CV-5944-JST

Matt, We are still working on confirming the issues raised in your recent letter. In terms of the Visas, the process is moving forward, but, at this point, it does not appear that we will be ready to start depositions in Macau on May 23rd. We hope to have some additional movement early next week and have a better idea of timing at that time. We will keep you posted and also respond to the other issues in your letter as soon as we can.

Thanks and have a good weekend,
Evan

Evan J. Werbel

Baker Botts L.L.P.

evan.werbel@bakerbotts.com

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From: Werbel, Evan

Sent: Thursday, May 12, 2022 3:57 PM

To: Matthew Heaphy <mheaphy@saveri.com>

Cc: Taladay, John <john.taladay@bakerbotts.com>; Carter, Tom <Tom.Carter@BakerBotts.com>; Lucarelli, Drew <drew.lucarelli@bakerbotts.com>; Yang, Kaylee <kaylee.yang@bakerbotts.com>; Rick Saveri <rick@saveri.com>; Geoff Rushing <geoff@saveri.com>; Mario Alioto <MAlioto@TATP.com>; Lauren Russell <LaurenRussell@TATP.com>; Dan Birkhaeuser <dbirkhaeuser@bramsonplutzik.com>

Subject: RE: In re Cathode Ray Tube (CRT) Antitrust Litigation – MDL No. 1917, Master File No. 07-CV-5944-JST

Matt, We will get updates from our client on what the current status is in China for the Visa applications and get back to you on the issues in your letter.

Evan

Evan J. Werbel

Baker Botts L.L.P.

evan.werbel@bakerbotts.com

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From: Matthew Heaphy <mheaphy@saveri.com>

Sent: Wednesday, May 11, 2022 9:49 PM

To: Werbel, Evan <evan.werbel@bakerbotts.com>

Cc: Taladay, John <john.taladay@bakerbotts.com>; Carter, Tom <Tom.Carter@BakerBotts.com>; Lucarelli, Drew

<drew.lucarelli@bakerbotts.com>; Yang, Kaylee <kaylee.yang@bakerbotts.com>; Rick Saveri <rick@saveri.com>; Geoff Rushing <geoff@saveri.com>; Mario Alioto <MAlioto@TATP.com>; Lauren Russell <LaurenRussell@TATP.com>; Dan Birkhaeuser <dbirkhaeuser@bramsonplutzik.com>

Subject: In re Cathode Ray Tube (CRT) Antitrust Litigation – MDL No. 1917, Master File No. 07-CV-5944-JST

[EXTERNAL EMAIL]

Evan:

Please see the attached correspondence.

Best,
Matt

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EXHIBIT 23

BAKER BOTTS L.L.P.
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Evan J. Werbel (*pro hac vice*)
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Attorneys for Defendants
IRICO GROUP CORP. and
IRICO DISPLAY DEVICES CO., LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 4:07-cv-05944-JST
(N.D. Cal.)

MDL No. 1917

This Document Relates to:
ALL DIRECT PURCHASER ACTIONS

**IRICO DEFENDANTS' SECOND
SUPPLEMENTAL OBJECTIONS
AND RESPONSES TO DIRECT
PURCHASER PLAINTIFFS' FIRST
SET OF INTERROGATORIES**

PROPOUNDING PARTY: Direct Purchaser Plaintiffs

RESPONDING PARTIES: Irico Group Corporation
Irico Display Devices Co., Ltd.

SET NUMBER: One

Pursuant to Federal Rules of Civil Procedure 26 and 33, Irico Group Corporation and Irico Display Devices Co, Ltd. (collectively, “Irico” or “Irico Defendants”) hereby provides these supplemental responses to the Direct Purchaser Plaintiffs’ (“Plaintiff”) First Set of Interrogatories, dated March 12, 2010 (“Interrogatories”). Irico reserves the right to amend or supplement these Objections and Responses (the “Responses”) to the extent allowed by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California (“Local Rules”). Subject to and without waiving any of Irico’s General and Specific Objections as set forth below, Irico is willing to meet and confer with Plaintiff regarding such General and Specific Objections.

The following Responses are made only for purposes of this case. The Responses are subject to all objections as to relevance, materiality and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court. All evidentiary objections and grounds are expressly reserved.

These Responses are subject to the provisions of the Stipulated Protective Order issued by the Court on June 18, 2008 (“Protective Order”). Irico’s Responses are hereby designated “Confidential” in accordance with the provisions of the Protective Order.

GENERAL OBJECTIONS

Irico makes the following General Objections to Plaintiff’s Interrogatories:

1. Irico’s Responses are based upon information available to and located by Irico as of the date of service of these Responses. In responding to Plaintiff’s Interrogatories, Irico states that it has conducted, or will conduct, a diligent search, reasonable in scope, of those files and records in its possession, custody, or control believed to likely contain information responsive to Plaintiff’s Interrogatories.

2. No express, incidental, or implied admissions are intended by these Responses and should not be read or construed as such.

3. Irico does not intend, and its Responses should not be construed as, an agreement or acquiescence with any characterization of fact, assumption, or conclusion of law contained in or implied by the Interrogatories.

1 4. To the extent that Irico responds to Plaintiff's Interrogatories by stating that Irico
2 will produce or make available for examination responsive information or documents, Irico does
3 not represent that any such information or documents exist. Irico will make a good faith and
4 reasonable attempt to ascertain whether information responsive to Plaintiff's Interrogatories exists
5 and is properly producible, and will produce or make available for examination non-privileged
6 responsive materials to the extent any are located during the course of a reasonable search.

7 5. Irico objects to Plaintiff's Interrogatories to the extent that they are overly broad,
8 unduly burdensome, oppressive, and duplicative to the extent that they seek information or
9 documents that are already in the possession, custody, or control of Plaintiff.

10 6. Irico objects to Plaintiff's Interrogatories to the extent that they seek to impose
11 obligations on Irico beyond those of the Federal Rules of Civil Procedure, the Local Rules, or any
12 Order of this Court.

13 7. Irico objects to Plaintiff's Interrogatories to the extent they seek information that is
14 not relevant or disproportionate to the needs of the case.

15 8. Irico objects to Plaintiff's Interrogatories to the extent that they are vague,
16 ambiguous, or susceptible to more than one interpretation. Irico shall attempt to construe such
17 vague or ambiguous Interrogatories so as to provide for the production of responsive information
18 that is proportionate to the needs of the case. If Plaintiff subsequently asserts an interpretation of
19 any Interrogatory that differs from Irico's understanding, Irico reserves the right to supplement or
20 amend its Responses.

21 9. Irico objects to Plaintiff's Interrogatories to the extent that they contain terms that
22 are insufficiently or imprecisely defined. Irico shall attempt to construe such vague or ambiguous
23 Interrogatories so as to provide for the production of responsive information that is proportionate
24 to the needs of the case.

25 10. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
26 that is protected from disclosure by the attorney-client privilege, work product doctrine, joint
27 defense or common interest privilege, self-evaluative privilege, or any other applicable privilege
28 or immunity. Irico will provide only information that it believes to be non-privileged and

1 otherwise properly discoverable. Nothing in Irico's responses is intended nor should be construed
2 as a waiver of any such privilege or immunity. The inadvertent or mistaken provision of any
3 information or responsive documents subject to any such doctrine, privilege, protection or
4 immunity from production shall not constitute a general, inadvertent, implicit, subject-matter,
5 separate, independent or other waiver of such doctrine, privilege, protection or immunity from
6 production.

7 11. Irico objects to Plaintiff's Interrogatories to the extent that they call for
8 information that is not in the possession, custody, or control of Irico. Irico also objects to the
9 extent that any of Plaintiff's Interrogatories seek information from non-parties or third parties,
10 including but not limited to any of Irico's subsidiary or affiliated companies.

11 12. Irico objects to Plaintiff's Interrogatories to the extent that responding would
12 require Irico to violate the privacy and/or confidentiality of a third party or confidentiality
13 agreement with a third party.

14 13. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
15 that is publicly available, already in Plaintiffs' possession, custody, or control, or more readily
16 available from other sources.

17 14. Irico objects to Plaintiff's Interrogatories to the extent that they seek information
18 or documents concerning transactions outside the United States. Such Interrogatories are unduly
19 burdensome and irrelevant to this pending action as Plaintiffs' purported class definition is
20 confined to "all persons . . . who directly purchased a Cathode Ray Tube Product . . . in the
21 United States" (see Direct Purchaser Plaintiffs' Consolidated Amended Complaint dated March
22 16, 2009).

23 15. Irico objects to Plaintiff's Interrogatories to the extent that compliance would
24 require Irico to violate the laws, regulations, procedures, or orders of a judicial or regulatory body
25 of foreign jurisdictions.

26 16. Irico's responses, whether now or in the future, pursuant to Plaintiff's
27 Interrogatories should not be construed as either (i) a waiver of any of Irico's general or specific
28

1 objections or (ii) an admission that such information or documents are either relevant or
2 admissible as evidence.

3 17. Irico objects to Plaintiff's Interrogatories to the extent that they are compound
4 and/or contain discrete subparts in violation of Federal Rule of Civil Procedure 33(a)(1).

5 18. Irico objects to Plaintiff's Interrogatories to the extent that they state and/or call for
6 legal conclusions.

7 19. Irico objects to the Interrogatories to the extent that they contain express or
8 implied assumptions of fact or law with respect to the matters at issue in this case.

9 20. Irico objects to the Interrogatories to the extent they seek information or
10 documents that cannot be removed or transmitted outside China without violating the laws and
11 regulations of that country, including but not limited to restrictions on the transmission of state
12 secrets or trade secrets as those terms are defined under Chinese law.

13 21. Irico reserves the right to assert additional General and Specific Objections as
14 appropriate to supplement these Responses.

15 These General Objections apply to each Interrogatory as though restated in full in the
16 responses thereto. The failure to mention any of the foregoing General Objections in the specific
17 responses set forth below shall not be deemed as a waiver of such objections or limitations.

18 **GENERAL OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

19 1. Irico objects to the definitions of "Defendant," "You," "Your," and "Yourself"
20 (Definition Nos. 1 and 3) to the extent that Plaintiff defines those terms to include the Irico's
21 "present or former employees, officers, directors, agents, predecessors, successors, parents,
22 subsidiaries, affiliates, joint ventures or any other person acting on their behalf." This definition is
23 overbroad, unduly burdensome, vague, and ambiguous. Irico also objects to the inclusion of all
24 "present or former employees, officers, directors, agents . . . or any other person acting on [the]
25 behalf [of]" Irico within this definition to the extent it purports to encompass information that is
26 protected by attorney-client privilege, work product protection or any other applicable doctrine,
27 privilege, protection or immunity or otherwise calls for a legal conclusion.

28 2. Irico objects to the definition of "Document" (Definition No. 4) to the extent it

1 seeks to impose requirements that are beyond those imposed by the Federal Rules of Civil
2 Procedure, the Local Rules, or any other applicable laws.

3 3. Irico objects to the definition of “Employee” (Definition No. 5) on the grounds
4 that it calls for a legal conclusion and is otherwise vague, ambiguous, and overly broad. Irico
5 further objects to this definition to the extent that it attempts to impose burdens on Irico beyond
6 those imposed by the Federal Rules of Civil Procedure. Irico further objects to this definition to
7 the extent that it seeks information protected by the attorney client or other applicable privilege,
8 attorney work product doctrine, or otherwise seeks to violate rights of privacy under U.S. or
9 foreign law.

10 4. Irico objects to the definitions of “CRT” and “CRT Product” (Definition No. 6) on
11 the grounds that they are vague, ambiguous and overly broad. Irico further objects to the use of
12 the term “CRT Products” to the extent that it is inconsistent with the definition of “CRT
13 Products” as set forth in Plaintiff’s pleadings.

14 5. Irico objects to the definition of the “Relevant Time Period” (Definition No. 7) as
15 overbroad, unduly burdensome, and beyond the applicable statute of limitations.

16 6. Irico objects to the definition of “Communication” (Definition No. 8) on the
17 grounds that it is vague, ambiguous, and overly broad. Irico further objects to this definition to the
18 extent that it attempts to impose burdens on Irico beyond those imposed by the Federal Rules of
19 Civil Procedure.

20 7. Irico objects to the definition of “Meeting” (Definition No. 10) on the grounds that
21 the definition is overly broad, unduly burdensome, and seeks information that is neither relevant
22 nor proportionate to the needs of the case.

23 8. Irico objects to Instruction No. 1 (related to identification of persons) to the extent
24 that it purports to impose burdens or obligations broader than, inconsistent with, or not authorized
25 under the Federal Rules of Civil Procedure, including, without limiting the generality of the
26 foregoing, Rule 26(b)(5)(A) and Rule 26(e)(1). Irico further objects to this Instruction to the
27 extent that it purports to impose burdens or obligations broader than, inconsistent with, or not
28 authorized under, the Local Rules and any orders of the Court, and on the grounds that it is vague,

1 ambiguous, and inconsistent with common usage. Irico further objects to this Instruction to the
 2 extent it seeks information that would disclose personal confidential information and/or violate
 3 any and all rights of privacy under the United States Constitution or Article I of the Constitution
 4 of the State of California, or any other applicable law or state constitution, or that is otherwise
 5 prohibited from disclosure because to do so would cause Irico to violate legal and/or contractual
 6 obligations to any other persons or entities.

7 9. Irico objects to Instruction No. 2 (related to identification of an entity other than a
 8 natural person) to the extent that it purports to impose burdens or obligations broader than,
 9 inconsistent with, or not authorized under the Federal Rules of Civil Procedure or other applicable
 10 rule or Order of this Court.

11 10. Irico objects to Instruction No. 3 (related to the production of business records in
 12 response to an interrogatory pursuant to Federal Rule of Civil Procedure 33(d)) on the grounds
 13 that it is unduly burdensome and purports to impose burdens and obligations upon Irico beyond
 14 those required by the Federal Rules of Civil Procedure or other applicable rule or Order of this
 15 Court.

16 **SPECIFIC RESPONSES AND OBJECTIONS TO INTERROGATORIES**

17 **INTERROGATORY NO. 4**

18 Identify each actual or proposed agreement between You and any producer of CRT and/or
 19 CRT Products, including the named defendants in this coordinated proceeding, relating to prices,
 20 pricing, production or inventory levels of CRT and/or CRT Products during the relevant time
 21 period. Agreements shall include drafts. For every such actual or proposed agreement state:

- 22 (a) the identity of the participants and all persons with knowledge thereof;
- 23 (b) when such agreement was entered into;
- 24 (c) where such agreement was entered into;
- 25 (d) the terms of such agreement; and
- 26 (e) when, how and which of your officers, directors or employees discovered the
 27 existence of such agreement.

RESPONSE TO INTERROGATORY NO. 4

Irigo reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irigo also objects that this interrogatory is duplicative and cumulative of other requests served on Irigo, including during jurisdictional discovery.

Subject to and without waiving the objections stated above, Irigo responds that it has already provided information responsive to this interrogatory to Plaintiff in its responses to jurisdictional discovery, including Irigo's responses to Interrogatory No. 20 of Direct Purchaser Plaintiff Studio Spectrum, Inc.'s First Set of Interrogatories. Irigo will conduct a reasonable search for additional information responsive to this interrogatory, if any, and supplement its response as necessary.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4

Irigo reasserts and incorporates each of the General Objections, Objections to the Definitions and Instructions, and specific objections to Interrogatory No. 4 set forth above. Irigo also objects to this interrogatory to the extent it purports to require Irigo to respond beyond the scope of the modification to Interrogatory No. 4 removing CRT Products from the scope of this interrogatory, as stated in the February 5, 2021 letter from R. Alexander Saveri to John Taladay.

Subject to and without waiving the foregoing objections, Irigo responds that, based on its present knowledge, neither Irigo, nor any subsidiary or related entity thereof, reached any agreement with any producers of CRTs relating to prices, pricing, production or inventory levels of CRTs during the relevant time period.

Irigo continues to conduct a reasonable search for information responsive to Interrogatory No. 4 as reflected in the March 31, 2021 Special Master's Order re DPPs' Motion to Compel Responses to Interrogatory Nos. 4 & 5, ECF No. 5919. To date that search has not identified agreements by Irigo with producers of CRTs relating to prices, pricing, production or inventory levels of CRTs during the relevant time period. Irigo's witness for jurisdictional discovery under Federal Rule of Civil Procedure 30(b)(6), Wang Zhaojie, categorically denied that Irigo reached agreements with any producers of CRTs. *See* Wang Zhaojie Tr. at 60:18-21 (March 8, 2019) ("Q.

1 What is the basis for your testimony that Irico never reached an agreement with its competitors?

2 A. Well based on my understanding, we never reached any agreement with them."); *see also id.* at
3 60:3-10, 61:3-13, 68:16-69:14, 76:24-77:7; 90:10-25.

4 Irico's investigation into these issues continues and Irico will provide a supplemental
5 response by May 10, 2021 if it identifies additional responsive information.

6 **INTERROGATORY NO. 5**

7 Identify any meeting or communication between You and other producers of CRT and/or
8 CRT Products during the Relevant Time Period, including the named Defendants in this
9 coordinated proceeding, regarding CRT and/or CRT Product pricing, price increase
10 announcements, terms or conditions of sales, profit margins or market share, production levels,
11 inventory, customers, auctions, reverse auctions, dynamic bidding events, or sales, and for each
12 such meeting or communication:

13 (a) provide the date and location of the meeting or communication;

14 (b) identify the person(s) who initiated, called, organized, attended or participated in
15 the meeting or communication;

16 (c) describe the subject matter discussed and any information you provided or
17 received;

18 (d) describe every action taken by you as a result of the meeting or communication;
19 and

20 (e) identify all persons with knowledge relating to the meeting or communication.

21 **RESPONSE TO INTERROGATORY NO. 5**

22 Irico reasserts and incorporates each of the General Objections and Objections to the
23 Definitions and Instructions set forth above. Irico also objects that this interrogatory is
24 duplicative and cumulative of other requests served on Irico, including during jurisdictional
25 discovery.

26 Subject to and without waiving the objections stated above, Irico responds that it has
27 already provided information responsive to this interrogatory to Plaintiff in its responses to
28 jurisdictional discovery, including Irico's response to Request No. 10 of Direct Purchaser

1 Plaintiff Studio Spectrum, Inc's First Set of Requests for Production. Irico will conduct a
 2 reasonable search for additional information responsive to this interrogatory, if any, and
 3 supplement its response as necessary.

4 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5**

5 Irico reasserts and incorporates each of the General Objections, Objections to the
 6 Definitions and Instructions, and specific objections to Interrogatory No. 5 set forth above. Irico
 7 also objects to this interrogatory to the extent it purports to require Irico to respond beyond the
 8 scope of the modification to Interrogatory No. 5 removing CRT Products from the scope of this
 9 interrogatory, as stated in the February 5, 2021 letter from R. Alexander Saveri to John Taladay.

10 Subject to and without waiving the foregoing objections, Irico states as follows: Wang
 11 Zhaojie identifies the following meetings or communications with other producers of CRTs:

- 12 • November 6, 1998 meeting in Xi'an, People's Republic of China to discuss China
 13 CDT market information attended by Wang Zhaojie.
- 14 • April 2, 1999 meeting in Nanjing, People's Republic of China to discuss China
 15 CDT market information attended by Wang Zhaojie.
- 16 • April 6, 2000 meeting in Xiamen, People's Republic of China to discuss China
 17 CDT market information attended by Wang Zhaojie.
- 18 • A meeting taking place on an unknown date at a SEG Hitachi factory in Shenzhen,
 19 People's Republic of China, attended by Wang Zhaojie.

20 Wang Zhaojie believes that he may have attended additional meetings with other
 21 producers of CRTs between 1998-2000, but he cannot recall the specifics of those meetings.
 22 Such meetings may have occurred in Beijing and Changsha, People's Republic of China. Wang
 23 Zhaojie did not attend any meetings outside of China. Wang Zhaojie believes he met with one or
 24 more representatives of the following Chinese CRT producers: Shenzhen or Tianjin Samsung
 25 SDI, Shanghai Yongxin, Changsha LG, Fuzhou Chunghwa, Beijing Matsushita, Shenzhen SEG
 26 Hitachi, and/or Dongguan Fudi. He could not recall the specific entities that participated in each
 27 individual meeting. Wang Zhaojie could not recall the names of the individual(s) from the
 28 various entities who attended each meeting, but believes the various attendees included Wong

1 Lian (Changsha LG), Yang Guojun (Shenzhen SEG Hitachi), Li Mingzhi (either Shenzhen or
 2 Tianjin Samsung SDI), and/or J.S. Lu (Fuzhou Chunghwa). The subject matter of these
 3 communications and meetings involved information on Chinese CRT issues and market
 4 conditions. Irico believes these meetings were largely connected to the China CPT Industry
 5 Association.

6 In addition, Su Xiaohua, then the Deputy General Manager for Planning in the Irico Sales
 7 Company, recalls attending an event, with an unknown Irico employee, hosted by Skyworth, a
 8 Chinese television manufacturer and customer of Irico, at which he interacted with other CRT
 9 manufacturers. This event was organized by Skyworth and involved companies from throughout
 10 Skyworth's supply chain, not just CRT manufacturers. Irico is not aware of any discussions with
 11 other CRT manufacturers at this meeting regarding pricing, price increase announcements, terms
 12 or conditions of sales, profit margins or market share, production levels, inventory, other
 13 customers, auctions, reverse auctions, dynamic bidding events, or sales.

14 Irico continues to conduct a reasonable search for information responsive to Interrogatory
 15 No. 5 as reflected in the March 31, 2021 Special Master's Order re DPPs' Motion to Compel
 16 Responses to Interrogatory Nos. 4 & 5, ECF No. 5919. Irico will provide an additional
 17 supplemental response by May 10, 2021.

18
 19
 20 Dated: May 3, 2021

BAKER BOTTS L.L.P.

21
 22 /s/ John M. Taladay

23 John M. Taladay (*pro hac vice*)
 24 Evan J. Werbel (*pro hac vice*)
 25 Thomas E. Carter (*pro hac vice*)
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Attorneys for Defendants
IRICO GROUP CORP. and
IRICO DISPLAY DEVICES CO., LTD.

CERTIFICATE OF SERVICE**In re: Cathode Ray Tube (CRT) Antitrust Litigation - MDL No. 1917**

I declare that I am employed in Washington, District of Columbia. I am over the age of eighteen years and not a party to the within case; my business address is: Baker Botts L.L.P., 700 K Street, N.W., Washington, D.C. 20001.

On May 3, 2021, I served the following document(s) described as:

**IRICO DEFENDANTS' SECOND SUPPLEMENTAL OBJECTIONS
AND RESPONSES TO DIRECT PURCHASER
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

on the following interested parties in this action:

Guido Saveri (guido@saveri.com)
R. Alexander Saveri (rick@saveri.com)
Geoffrey C. Rushing (grushing@saveri.com)
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Plaintiffs*

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D (505) 305-1263

*Counsel for the Indirect Purchaser
Plaintiffs*

[X] (BY ELECTRONIC MAIL) I caused such documents to be sent to the persons at the email addressed listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct. Executed on May 3, 2021, in Washington, D.C.

/s/ Thomas E. Carter

Thomas E. Carter

EXHIBIT 24

March 08, 2019

1

Page 1

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

IN RE:)
)
CATHODE RAY TUBE (CRT)) Master File No.
ANTITRUST LITIGATION) 07-CV-5944-JST
)
) MDL No. 1917
)
)
)

DEPOSITION OF WANG ZHAOJIE

HIGHLY CONFIDENTIAL

VOLUME III

Friday, March 8th, 2019

AT: 9.05 am

Taken at:

Kobre & Kim
6/F ICBC Tower
3 Garden Road
Central
Hong Kong

Court Reporter:

Bron Williams
Accredited Real-time Reporter

March 08, 2019

66 to 69

<p style="text-align: right;">Page 66</p> <p>1 A. It was too long ago, I don't remember this</p> <p>2 issue.</p> <p>3 BY MS. CAPURRO:</p> <p>4 Q. In 1999, did Irigo Group plan to manufacture</p> <p>5 17-inch CDTs?</p> <p>6 A. It was too long ago, I don't remember.</p> <p>7 Q. Would this type of information, Irigo's plan</p> <p>8 to manufacture CDTs with Toshiba, would that information</p> <p>9 have been public?</p> <p>10 MR. PLUNKETT: Object to the form.</p> <p>11 A. I don't know what you mean. Public to who?</p> <p>12 BY MR. PLUNKETT:</p> <p>13 Q. Would this type of information, Irigo's plan</p> <p>14 to manufacture CDTs with Toshiba, would that information</p> <p>15 have been public?</p> <p>16 MR. PLUNKETT: Object to the form.</p> <p>17 A. When you say Irigo, which Irigo were you</p> <p>18 referring to?</p> <p>19 BY MS. CAPURRO:</p> <p>20 Q. Irigo Group -- actually, strike that.</p> <p>21 Irigo Group or Irigo Display.</p> <p>22 A. First of all, I'm not quite clear about this</p> <p>23 issue. Secondly, if such information were requested to be</p> <p>24 public, then we would make it public. Otherwise, if no</p> <p>25 requirement, we probably would not make it public.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Please read for me what that says, and</p> <p>2 translator, I would ask you to translate how he reads it.</p> <p>3 A. It is very rough.</p> <p>4 Q. Strike that. I'll read you the translation.</p> <p>5 "At this meeting, because we spoke up strongly,</p> <p>6 the unreasonable domestic sales price was seriously</p> <p>7 reviewed. 15-inch is the main point in the future and</p> <p>8 everyone agreed to go back to the export base price of US\$65</p> <p>9 and a price calculation coefficient for domestic sales of</p> <p>10 10.4. IRICO agreed to cooperate, which should be the key</p> <p>11 point."</p> <p>12 Do you see that?</p> <p>13 A. I saw this paragraph. However the</p> <p>14 handwritten, this is too rough. So nevertheless, if the</p> <p>15 translation is what you said, then it is what is there.</p> <p>16 Q. Did you agree to the price of 15-inch CDTs at</p> <p>17 this meeting?</p> <p>18 MR. PLUNKETT: Object to the form, lacks</p> <p>19 foundation.</p> <p>20 A. No.</p> <p>21 BY MS. CAPURRO:</p> <p>22 Q. What is the basis for your testimony?</p> <p>23 MR. PLUNKETT: Object to the form.</p> <p>24 A. First of all, for this handwritten paragraph,</p> <p>25 I don't know who wrote this. Definitely this person is not</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Did you provide this information on behalf of</p> <p>2 Irigo Group at this meeting?</p> <p>3 MR. PLUNKETT: Object to the form, lacks</p> <p>4 foundation.</p> <p>5 A. This kind of meeting is just a market</p> <p>6 interaction meeting for the CDT industry in China. If my</p> <p>7 name is on this list, then yes, I did participate on this</p> <p>8 meeting. The objective is just exchange market information,</p> <p>9 and I cannot remember the detail.</p> <p>10 MS. FU: I would like to make a minor correction.</p> <p>11 "The objective is just to exchange market information.</p> <p>12 I cannot remember what information was exchanged."</p> <p>13 (Chinese spoken).</p> <p>14 INTERPRETER: Okay. Yes.</p> <p>15 A. Yes, because it was too long ago, so I cannot</p> <p>16 remember exactly what kind of information we have exchanged.</p> <p>17 BY MS. CAPURRO:</p> <p>18 Q. Directing your attention to the bottom of the</p> <p>19 page Bates stamped CHU00030736, the handwritten notes at the</p> <p>20 end of that page.</p> <p>21 A. Which paragraph? Yes, this paragraph at the</p> <p>22 bottom?</p> <p>23 Q. At the very bottom of the page, the</p> <p>24 handwritten notes.</p> <p>25 A. Yes, I saw it.</p>	<p style="text-align: right;">Page 69</p> <p>1 from Irigo. Therefore, it only represents the person who</p> <p>2 wrote this handwritten paragraph. Secondly, the subject</p> <p>3 said very clearly this is an exchange for the market in</p> <p>4 China. So we are not concerned about US price. Thirdly,</p> <p>5 back in 1999 my rank was very low, or relatively low.</p> <p>6 Therefore I didn't have authority to sign any agreement with</p> <p>7 them.</p> <p>8 Q. Mr. Wang, do you on behalf of Irigo Group and</p> <p>9 Irigo Display have any evidence that Irigo did not enter</p> <p>10 into an agreement on 15-inch CDTs at this meeting?</p> <p>11 MR. PLUNKETT: Object to the form, lacks</p> <p>12 foundation. Calls for speculation. Argumentative.</p> <p>13 A. It is impossible for Irigo to sign any price</p> <p>14 agreement with the competitors.</p> <p>15 Q. Does Irigo have its own report regarding this</p> <p>16 meeting?</p> <p>17 MR. PLUNKETT: Object to the form, lacks</p> <p>18 foundation.</p> <p>19 A. It was too long ago, I don't remember.</p> <p>20 BY MS. CAPURRO:</p> <p>21 Q. If Irigo had its own report of this meeting,</p> <p>22 it would have been produced to plaintiffs, correct?</p> <p>23 MR. PLUNKETT: Object to the form, lacks</p> <p>24 foundation, beyond the scope.</p> <p>25 A. I feel like you cannot ask a question with an</p>


March 08, 2019

114 to 116

<p style="text-align: right;">Page 114</p> <p style="text-align: center;">CERTIFICATE OF COURT REPORTER</p> <p>1 I, Bron Williams, an Accredited Real-time Reporter, hereby</p> <p>2 certify that the testimony of the witness Wang Zhaojie in</p> <p>3 the foregoing transcript, numbered pages 1 through 115,</p> <p>4 taken on this 8th day of March, 2018 was recorded by me in</p> <p>5 machine shorthand and was thereafter transcribed by me; and</p> <p>6 that the foregoing transcript is a true and accurate</p> <p>7 verbatim record of the said testimony.</p> <p>8</p> <p>9 I further certify that I am not a relative, employee,</p> <p>10 counsel or financially involved with any of the parties to</p> <p>11 the within cause, nor am I an employee or relative of any</p> <p>12 counsel for the parties, nor am I in any way interested in</p> <p>13 the outcome of the within cause.</p> <p>14</p> <p>15 Signed: <i>Bron Williams</i></p> <p>16 Name: Bron Williams</p> <p>17 Date:</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 116</p> <p style="text-align: center;">ERRATA SHEET</p> <p>1 Case Name: In Re Cathode Ray Tube Antitrust</p> <p>2 Litigation</p> <p>3 Witness Name: WANG ZHAOJIE</p> <p>4 Date: 03/08/2019</p> <p>5 Page/Line From To</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 Subscribed and sworn to before</p> <p>18 me this 8th day of March, 2019.</p> <p>19</p> <p>20 Wang Zhaojie</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 115</p> <p style="text-align: center;">CERTIFICATE OF DEPONENT</p> <p>1</p> <p>2</p> <p>3</p> <p>4 I, Wang Zhaojie, hereby certify that I have read the</p> <p>5 foregoing pages, numbered 1 through 115, of my deposition of</p> <p>6 testimony taken in these proceedings on Friday, March 8th,</p> <p>7 2018 and, with the exception of the changes listed on the</p> <p>8 next page and/or corrections, if any, find them to be a true</p> <p>9 and accurate transcription thereof.</p> <p>10</p> <p>11 Signed:</p> <p>12 Name: Wang Zhaojie</p> <p>13 Date:</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

CERTIFICATE OF DEPONENT

I, WANG ZHAOJIE, hereby certify that I have read the foregoing pages, numbered 1 through 113, of my deposition of testimony taken in these proceedings on Friday, March 8, 2019 and, with the exception of the changes listed on the next page and/or corrections, if any, find them to be a true and accurate transcription thereof.

Signed: 

Name: · · Wang Zhaojie

Date: · · 2019. 4. 19



ERRATA SHEET

Case Name: In Re Cathode Ray Tube Antitrust Litigation

Witness Name: Wang Zhaojie

Date: 03/08/2019

PAGE	LINE	NOW READS	SHOULD READ	REASON

Subscribed and sworn to before me this 19th day of April, 2019.



WANG ZHAOJIE



EXHIBIT 25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)) MASTER FILE NO.
ANTITRUST LITIGATION) CV-07-5944 JST

_____)

THIS DOCUMENT RELATES TO:)

ALL INDIRECT PURCHASER ACTIONS)

ALL DIRECT PURCHASER ACTIONS)

DEFENDANTS.)

_____)

VIDEOTAPED DEPOSITION OF LI MIAO
VOLUME II
WEDNESDAY, MARCH 8, 2023
HONG KONG


FILE NO. SF 5759553

REPORTED BY MARK McCLURE, CRR
CAL CSR 12203

1 THE WITNESS: I see the table and I can see 17:19:52	1 document Bates stamped No. CHU00123502 through 17. 17:26:22
2 the content in the table. 17:19:54	2 That's the Chinese language document, and there is an 17:26:34
3 Regarding the understanding about this table, 17:19:57	3 English translation attached thereto. 17:26:38
4 I heard from you, and that was your -- that was your 17:19:59	4 A. Is it Exhibit 8566, Document 26, a marketing 17:27:17
5 understanding. I don't have further understanding other 17:20:03	5 meeting from June 2005, right. 17:27:23
6 than what is indicated in the table. I personally feel 17:20:07	6 Q. Yes. 17:27:29
7 that this table cannot address anything. 17:20:18	7 For the record, I don't know how document 17:27:34
8 BY MR. RUSHING: 17:20:22	8 No. 26 got into the name of the exhibit, but that's the 17:27:36
9 Q. And why do you feel that way? 17:20:22	9 number that I referred to it by with one of my 17:27:41
10 A. I can give you a simple example. 17:20:24	10 colleagues. 17:27:45
11 For example, for my 20-inch production line, I 17:21:36	11 So, Mr. Li, do you recognize this as a 17:27:50
12 can use it to manufacture FS and I can also use it to 17:21:39	12 document prepared by the Irico Group Sales Company? 17:27:57
13 manufacture PF. If I reduce the production quantity for 17:21:44	13 MR. CARTER: Objection. Lack of foundation. 17:28:26
14 FS but I increase the production quantity for PF, 17:21:49	14 THE WITNESS: I cannot tell. 17:28:32
15 regarding the FS, it is a reduction, but regarding the 17:21:54	15 BY MR. RUSHING: 17:28:32
16 PF, it is actually an increased production. 17:21:59	16 Q. Have you ever seen any documents like this? 17:28:45
17 Or another example is, my 21-inch line and my 17:22:06	17 A. You're talking about a meeting minute for a 17:28:48
18 15-inch line are compatible. If I reduce the quantity 17:22:10	18 marketing meeting, right? 17:29:03
19 for the 21-inch line but I increase the quantity for the 17:22:14	19 Q. Yes. And I can -- 17:29:07
20 15-inch line, that would be the same example as I 17:22:17	20 A. I don't have access -- I can't see the meeting 17:29:14
21 addressed earlier. 17:22:21	21 minutes of marketing meetings. 17:29:18
22 So regarding the information reflected in this 17:22:23	22 Q. Well, I can represent to you that Irico has 17:29:24
23 table, it's not sufficient to be relied upon to reach 17:22:25	23 admitted in this litigation that it was the author -- or 17:29:36
24 any conclusion. The author who wrote this table could 17:22:32	24 someone at Irico was the author of this document, and 17:29:40
25 write anything due to his personal preference and 17:22:38	25 that it is, in fact, an Irico document. 17:29:47
Page 156	Page 158
1 judgment, and he could come to a conclusion based on his 17:22:41	1 Do you understand that? 17:29:50
2 speculation of the industry. 17:22:47	2 MR. CARTER: Object to form. 17:29:51
3 But this table and information here does not 17:22:48	3 THE WITNESS: I don't understand that, and 17:30:08
4 have any meaning to be referenced to by any company in 17:22:52	4 nobody told me about that. 17:30:14
5 the industry or by the manufacturers in the industry. 17:22:58	5 BY MR. RUSHING: 17:30:15
6 One would have to look at a lot of factors and do a 17:23:03	6 Q. Well, I'm telling you now. 17:30:15
7 comprehensive judgment and comprehension to come to a 17:23:07	7 A. Right, so I'm hearing it from you for the 17:30:37
8 conclusion. 17:23:13	8 first time, but I still cannot make a judgment as to 17:30:39
9 Q. You say you thought some of this was 17:23:30	9 whether Irico created this document or not. I still 17:30:43
10 speculation, however, the document indicates that at 17:23:33	10 cannot make that judgment. 17:30:47
11 least with regard to three of the manufacturers, the 17:23:35	11 Q. Okay, well, let's just see how this goes. 17:30:53
12 information that's contained in the chart was obtained 17:23:45	12 A. But there's a reason for me to determine that 17:31:25
13 from individuals who worked for the particular 17:23:48	13 the possibility of this document to have come from Irico 17:31:29
14 manufacturer, isn't that right? 17:23:55	14 is small. That's not a very persuasive reason, but 17:31:33
15 MR. CARTER: Object to form. 17:23:56	15 that's the reason that I have in mind. 17:31:39
16 THE WITNESS: I don't know what the source of 17:24:27	16 I see that some of the Chinese characters in 17:32:08
17 the data was because I have never seen this document 17:24:28	17 this article are in Traditional Chinese, and the 17:32:11
18 before. I cannot determine who wrote the document or 17:24:38	18 possibility for the Irico people to write the 17:32:16
19 what the data meant or what the intended purpose of 17:24:55	19 Traditional Chinese characters in any articles of Irico 17:32:22
20 writing this document was. 17:24:59	20 is small. 17:32:25
21 Q. Okay, thank you, Mr. Li. 17:25:20	21 Q. Did you say, Mr. Li, that the possibility for 17:32:38
22 Would you please open up Exhibit 8566 from the 17:25:30	22 the Irico people to write the simplified Chinese 17:32:41
23 Marked Exhibits folder for today's session. And you 17:25:41	23 characters in any articles of Irico is small? 17:32:44
24 should find a document entitled "Regular Marketing 17:25:54	24 MR. CARTER: Object to form. 17:32:50
25 Meeting, Sales Company, June 13, 2005." And it is a 17:25:59	25 THE WITNESS: The possibility of using 17:33:11
Page 157	Page 159

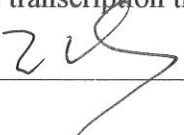
<p>1 simplified Chinese characters is bigger. Usually, they 17:33:14</p> <p>2 tend not to use Traditional Chinese characters in the 17:33:19</p> <p>3 articles they write. That's seldom. 17:33:23</p> <p>4 BY MR. RUSHING: 17:33:23</p> <p>5 Q. That's what I thought you meant. 17:33:28</p> <p>6 So if you turn to the page 505, it's the 17:33:30</p> <p>7 fourth page in my translation -- 17:34:05</p> <p>8 A. Page 4, right? 17:34:22</p> <p>9 Q. Yes. 17:34:24</p> <p>10 A. What's the contents? 17:34:33</p> <p>11 Q. Well, I just want to point you to -- there's a 17:34:36</p> <p>12 figure under subsection C towards the bottom of this 17:34:40</p> <p>13 page, and then right above the figure there's a sentence 17:34:46</p> <p>14 that says "However, the huge CPT inventory was shifted 17:34:51</p> <p>15 to all CPT makers." 17:34:56</p> <p>16 Do you see that sentence? 17:35:00</p> <p>17 So the author of this document is again making 17:35:25</p> <p>18 the point that there is an inventory problem in the CRT 17:35:29</p> <p>19 business. 17:35:35</p> <p>20 Is that the way you understand that? 17:35:36</p> <p>21 MR. CARTER: Object to form. Lack of 17:36:00</p> <p>22 foundation. 17:36:04</p> <p>23 THE WITNESS: I don't see where you're 17:36:15</p> <p>24 pointing me to. This is a long article. 17:36:17</p> <p>25 17:36:17</p> <p style="text-align: right;">Page 160</p>	<p>1 A. I see it. 17:39:33</p> <p>2 Q. Okay. Now, if you turn the page to the next 17:39:34</p> <p>3 page, you will see another chart entitled "CPT Makers' 17:39:39</p> <p>4 Production Suspension/Limitation Plans for June, 2005." 17:39:39</p> <p>5 Do you see that? 17:40:02</p> <p>6 A. Yes. 17:40:04</p> <p>7 Q. And if you look at the first entry on that 17:40:23</p> <p>8 chart, it's for Irico, and it shows -- well, do you see 17:40:26</p> <p>9 the first entry? 17:40:31</p> <p>10 A. Yes. 17:40:32</p> <p>11 Q. It shows that Irico -- strike that. 17:40:44</p> <p>12 It shows, does it not -- or it says, does it 17:40:55</p> <p>13 not, that Irico will be suspending or limiting its 17:40:58</p> <p>14 production on the 21-inch FS line, which is no. 2, for a 17:41:04</p> <p>15 full month, 30 days, and that the approximate volume 17:41:11</p> <p>16 reduction as a result of that suspension is 350,000 17:41:18</p> <p>17 pieces. 17:41:26</p> <p>18 Do you see that? 17:41:26</p> <p>19 MR. CARTER: Object to form. 17:41:29</p> <p>20 THE WITNESS: I see that's what's written in 17:41:58</p> <p>21 the table. 17:42:01</p> <p>22 BY MR. RUSHING: 17:42:01</p> <p>23 Q. Do you see, under the column entitled 17:42:09</p> <p>24 "Remarks," the reason apparently is market impact? Do 17:42:12</p> <p>25 you see that? 17:42:17</p> <p style="text-align: right;">Page 162</p>
<p>1 BY MR. RUSHING: 17:36:17</p> <p>2 Q. It's on page 505, if you look at the bottom. 17:36:33</p> <p>3 A. Ending in 505, right? 17:36:44</p> <p>4 Q. Yes. 17:36:46</p> <p>5 And then there are two figures. It's the 17:36:50</p> <p>6 second figure from the bottom and it's the line above 17:36:53</p> <p>7 the second figure. 17:37:10</p> <p>8 "However, the huge CPT inventory was shifted 17:37:23</p> <p>9 to all CPT makers." 17:37:28</p> <p>10 A. When I tried to scroll the document downwards, 17:37:45</p> <p>11 I couldn't do it. It's not scrolling. And it 17:37:48</p> <p>12 disappeared when I tried to scroll it down. Now I'm on 17:37:58</p> <p>13 the page ending in 505. 17:38:06</p> <p>14 Q. Okay. 17:38:10</p> <p>15 A. Can you point me to the sentence again, 17:38:18</p> <p>16 please? 17:38:21</p> <p>17 Q. It's the line of text above -- strike that. 17:38:21</p> <p>18 If you're counting from the bottom of the 17:38:26</p> <p>19 page, there's two figures, and it's the line of text 17:38:30</p> <p>20 directly above the second figure from the bottom. 17:38:39</p> <p>21 A. Can you repeat that line so we can make sure 17:39:01</p> <p>22 that we are looking at the same part? 17:39:03</p> <p>23 Q. Yes. The first sentence in that line, I 17:39:10</p> <p>24 believe, says "However, the huge CPT inventory was 17:39:12</p> <p>25 shifted to all CPT makers." 17:39:16</p> <p style="text-align: right;">Page 161</p>	<p>1 A. I see it. 17:42:18</p> <p>2 Q. So does it indicate to you that the purpose 17:42:31</p> <p>3 for suspending production on that line is to reduce the 17:42:34</p> <p>4 inventory of Irico in concert with the other 17:42:41</p> <p>5 manufacturers' reductions in their own inventory in 17:42:44</p> <p>6 order to increase the price of that CRT? 17:42:51</p> <p>7 MR. CARTER: Object to form. Lack of 17:42:55</p> <p>8 foundation. 17:44:56</p> <p>9 THE WITNESS: You asked a few questions in 17:44:56</p> <p>10 that question. 17:44:58</p> <p>11 First of all, regarding the limited production 17:44:59</p> <p>12 or the suspension of production, I am not sure if what's 17:45:04</p> <p>13 reflected in the table and the document actually 17:45:12</p> <p>14 happened. I don't recall it -- I don't recall that it 17:45:16</p> <p>15 happened, although the information reflected in the 17:45:21</p> <p>16 table says so. 17:45:24</p> <p>17 Secondly, regarding the CRT prices, basically, 17:45:26</p> <p>18 the prices are dropping all the way. There may be some 17:45:32</p> <p>19 small bounce back within a short time. I remember it 17:45:36</p> <p>20 happened. But I've never experienced the fact that the 17:45:41</p> <p>21 prices of the CRT are going up continuously or are going 17:45:45</p> <p>22 up steadily. I've never had that experience. 17:45:53</p> <p>23 The third part was regarding the purpose of 17:45:56</p> <p>24 doing this, and you said that doing this would have an 17:46:01</p> <p>25 impact on the prices. Basically, I've not heard of that 17:46:05</p> <p style="text-align: right;">Page 163</p>

1 and I also have not experienced that. 17:46:09	1 Also, it also talks about the fact that it 17:52:46
2 BY MR. RUSHING: 17:46:09	2 would do so -- Irco would do so with other CRT 17:52:49
3 Q. So, Mr. Li, are you denying that this 17:46:29	3 manufacturers in the industry. I haven't heard about 17:52:53
4 production suspension occurred at Irco, as described in 17:46:34	4 that either. 17:52:57
5 this document? 17:46:41	5 MR. RUSHING: Okay, Mr. Carter, would you 17:53:05
6 MR. CARTER: Object to form. 17:46:42	6 confirm to Mr. Li that Irco agrees that this document 17:53:06
7 THE WITNESS: Your earlier question was asking 17:47:23	7 was authored by the Sales Company at Irco? 17:53:11
8 about the production suspension described in this 17:47:26	8 MR. CARTER: Mr. Rushing, I'm familiar that 17:53:28
9 document, and that was for the 21-inch production. I am 17:47:29	9 there's been some kind of representation made through 17:53:31
10 certain that it did not happen at Plant No. 1. But as 17:47:34	10 our discovery responses. If you want me to make a 17:53:33
11 to whether or not it happened in other manufacturers or 17:47:39	11 representation as to this specific document, I'd 17:53:37
12 factories, I've not heard of that. 17:47:42	12 probably need you to direct me to the discovery response 17:53:39
13 BY MR. RUSHING: 17:47:51	13 and give me some time to go look at that. 17:53:43
14 Q. Did Plant No. 1 manufacture 21-inch FS CRTs in 17:47:52	14 MR. RUSHING: Well, let's see if we can do 17:53:45
15 June of 2005? 17:48:02	15 that. I need to go off the record now to move my car, 17:53:47
16 A. Plant No. 1 manufactured the 21-inch FS 17:48:03	16 so should we reconvene in 20 minutes? 17:53:50
17 product type. It did manufacture that product type, but 17:48:34	17 THE WITNESS: Okay. 17:54:18
18 as to what time frame it was doing so, I don't remember. 17:48:37	18 THE VIDEOGRAPHER: We are off the record at 17:54:19
19 Q. Was the 21-inch FS product manufactured at any 17:48:45	19 9:54 a.m. 17:54:21
20 other Irco plant in June of 2005? 17:48:54	20 (A short recess was taken.) 17:54:26
21 A. Yes. 17:48:59	21 THE VIDEOGRAPHER: We are back on the record 18:25:47
22 Q. And which plant was that also manufactured at? 17:49:14	22 at 10:26 a.m. 18:26:03
23 A. Plant No. 2 was the main factory that 17:49:18	23 MR. RUSHING: Thank you. 18:26:08
24 manufactured the 21-inch FS product type. 17:49:34	24 I would like to mark as next in line 18:26:15
25 Q. Do you know whether this product -- production 17:49:52	25 Exhibit 8640. 18:26:22
Page 164	Page 166
1 suspension occurred at the plant -- strike that. 17:49:56	1 (Exhibit 8640 marked for identification.) 18:26:32
2 Do you know whether the production suspension 17:49:59	2 BY MR. RUSHING: 18:26:32
3 described in Exhibit 8566 occurred at Plant No. 2? 17:50:01	3 Q. Mr. Li, you'll find that in the Marked 18:26:32
4 A. I don't know. 17:50:07	4 Exhibits section for today's deposition. 18:26:35
5 Q. Is it your testimony that you never -- strike 17:50:22	5 And Exhibit 8640 is a 29-page document 18:26:53
6 that. 17:50:22	6 entitled "Irco Defendants' Objections and Responses to 18:27:02
7 Do you recall any discussion at or around 17:50:26	7 Indirect Purchaser Plaintiffs' First Set of Requests for 18:27:09
8 June 2005 of suspending production on any of Irco's CRT 17:50:30	8 Admission to Defendants Irco Group Corporation and 18:27:12
9 lines? 17:50:38	9 Irco Display Devices Co., Ltd." 18:27:15
10 MR. CARTER: Object to form. 17:50:49	10 Mr. Li, do you have the document? 18:27:53
11 THE WITNESS: I didn't know and I don't have 17:51:02	11 A. I see the document, Exhibit 8640, but it's all 18:27:56
12 any recollection in that regard. 17:51:03	12 in English. 18:28:10
13 BY MR. RUSHING: 17:51:03	13 Q. Yes, I'm sorry, there is no Chinese 18:28:11
14 Q. How often did you interact with people from 17:51:05	14 translation. But I think that we can manage without it. 18:28:13
15 the sales department? 17:51:07	15 I just wanted to point out, if you turn to page 13, 18:28:17
16 A. Not much. Not often. 17:51:09	16 Request for Admission No. 4 asks: "Admit that Irco 18:28:45
17 Q. Because this document indicates that everyone, 17:51:20	17 employees authored each of the following documents 18:28:49
18 or at least everyone who attended the regular market 17:51:27	18 (respond separately for each document)." 18:29:03
19 meeting at Irco Sales Company, knew that Irco was 17:51:31	19 Then if you turn to page 14, you will see that 18:29:25
20 going to suspend production, along with all of the other 17:51:36	20 the Bates numbers following the letter L, which is in 18:29:33
21 manufacturers in China, isn't that right? 17:51:41	21 line 7, match the Bates numbers of Exhibit 8566. 18:29:39
22 MR. CARTER: Object to form. 17:51:45	22 And then the response to the request, which is 18:30:12
23 THE WITNESS: The people who attended the 17:52:35	23 found in line 12, on page 14, reads "Admit as to 18:30:15
24 regular marketing meetings would know about this, but I 17:52:37	24 requests 4A through 4O." 18:30:22
25 myself did not know and I didn't hear about that. 17:52:42	25 So the effect of this admission is that Irco 18:30:48
Page 165	Page 167

<p>1 STATE OF CALIFORNIA)</p> <p>2 COUNTY OF SANTA BARBARA) ss.</p> <p>3</p> <p>4 I, Mark McClure, C.S.R. No. 12203, in and for the</p> <p>5 State of California, do hereby certify:</p> <p>6 That prior to being examined, the witness</p> <p>7 named in the foregoing deposition was by me duly sworn</p> <p>8 to testify to the truth, the whole truth, and nothing</p> <p>9 but the truth;</p> <p>10 That said deposition was taken down by me in</p> <p>11 shorthand at the time and place therein named and</p> <p>12 thereafter reduced to typewriting under my direction,</p> <p>13 and the same is a true, correct, and complete transcript</p> <p>14 of said proceedings;</p> <p>15 That if the foregoing pertains to the original</p> <p>16 transcript of a deposition in a Federal Case, before</p> <p>17 completion of the proceedings, review of the transcript</p> <p>18 { } was {x} was not required.</p> <p>19 I further certify that I am not interested in</p> <p>20 the event of the action.</p> <p>21 Witness my hand this 21st day of March,</p> <p>22 2023.</p> <p>23 </p> <p>24 Certified Shorthand Reporter</p> <p>25 State of California</p> <p>CSR No. 12203</p> <p style="text-align: right;">Page 236</p>	<p>1 __ Federal R&S Requested (FRCP 30(e)(1)(B)) – Locked .PDF</p> <p>2 Transcript - The witness should review the transcript and</p> <p>3 make any necessary corrections on the errata pages included</p> <p>4 below, notating the page and line number of the corrections.</p> <p>5 The witness should then sign and date the errata and penalty</p> <p>6 of perjury pages and return the completed pages to all</p> <p>7 appearing counsel within the period of time determined at</p> <p>8 the deposition or provided by the Federal Rules.</p> <p>9 _X_ Federal R&S Not Requested - Reading & Signature was not</p> <p>10 requested before the completion of the deposition.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 238</p>
<p>1 GEOFFREY RUSHING</p> <p>2 GRUSHING@SAVERI.COM</p> <p>3 March 21, 2023</p> <p>4 RE: CRT Antitrust Litigation</p> <p>5 3/7/23, LI MIAO, VOLUME II, JOB NO. 5759553</p> <p>6 The above-referenced transcript has been</p> <p>7 completed by Veritext Legal Solutions and</p> <p>8 review of the transcript is being handled as follows:</p> <p>9 __ Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext</p> <p>10 to schedule a time to review the original transcript at</p> <p>11 a Veritext office.</p> <p>12 __ Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF</p> <p>13 Transcript - The witness should review the transcript and</p> <p>14 make any necessary corrections on the errata pages included</p> <p>15 below, notating the page and line number of the corrections.</p> <p>16 The witness should then sign and date the errata and penalty</p> <p>17 of perjury pages and return the completed pages to all</p> <p>18 appearing counsel within the period of time determined at</p> <p>19 the deposition or provided by the Code of Civil Procedure.</p> <p>20 __ Waiving the CA Code of Civil Procedure per Stipulation of</p> <p>21 Counsel - Original transcript to be released for signature</p> <p>22 as determined at the deposition.</p> <p>23 __ Signature Waived – Reading & Signature was waived at the</p> <p>24 time of the deposition.</p> <p>25</p> <p style="text-align: right;">Page 237</p>	<p>1 CRT Antitrust Litigation</p> <p>2 LI MIAO, VOLUME II (#5759553)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE____ LINE____ CHANGE_____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE____ LINE____ CHANGE_____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE____ LINE____ CHANGE_____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE____ LINE____ CHANGE_____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE____ LINE____ CHANGE_____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE____ LINE____ CHANGE_____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 WITNESS _____ Date _____</p> <p>25</p> <p style="text-align: right;">Page 239</p>

CERTIFICATE OF DEPONENT

I, LI MIAO, hereby certify that I have reviewed the foregoing pages, numbered 132 through 234, of my deposition of testimony taken in these proceedings on Wednesday, March 8, 2023, and, with the exception of the changes listed on the next page and/or corrections, if any, find them to be a true and accurate transcription thereof.

Signed: 

Name: · · Li Miao

Date: · · 2023.5.15

宣誓书

本人，李淼，特此证明，本人已审阅上述第 132 至 234 页记录的本人于 2023 年 3 月 8 日，星期三，在作证过程中所作的证词，并且除下一页列出的更改和/或更正（如果有）外，认为它们是真实及准确的记录。

签名: 

姓名: 李淼

日期: · · 2023.5.15

ERRATA SHEET

Case Name: In Re Cathode Ray Tube Antitrust Litigation

Witness Name: Li Miao

Date: 03/08/2023

PAGE	LINE	NOW READS	SHOULD READ	REASON
137	7	learning group	large group	Transcription error
141	16	Xianyan	Xianyang	Transcription error
152	19	are also sold	were also sold	Transcription error
153	2	I'm in charge of	I was in charge of	Transcription error
173	4	Thomson, Foshan	Thomson (Foshan)	Transcription error
181	22	Beijing Mitsubishi	Beijing Matsushita	Transcription error
186	15	Mr. Wong's	Mr. Wang's	Transcription error
186	21	Mr. Wong	Mr. Wang	Transcription error
211	4	Xiangyang. Xiangyang is	Xianyang. Xianyang is	Transcription error

Signed this 15th day of May, 2023.


 LI MIAO

勘误表

案件名称: 阴极射线管反垄断诉讼

证人姓名: 李淼

日期: 03/08/2023

页数	行数	现记为	应记为	原因
137	7	learning group 学习组	large group 大组	记录错误
141	16	Xianyan (拼写错误)	Xianyang 咸阳	记录错误
152	19	are also sold 也被卖	were also sold 也被卖了	记录错误
153	2	I'm in charge of 我管	I was in charge of 我过去管	记录错误
173	4	Thomson, Foshan 汤姆逊, 佛山	Thomson (Foshan) 汤姆逊 (佛山)	记录错误
181	22	Beijing Mitsubishi 北京三菱	Beijing Matsushita 北京松下	记录错误
186	15	Mr. Wong's (拼写错误)	Mr. Wang's 王先生的	记录错误
186	21	Mr. Wong (拼写错误)	Mr. Wang 王先生	记录错误
211	4	Xiangyang. Xiangyang is (拼写错误)	Xianyang. Xianyang is 咸阳. 咸阳是	记录错误

签署于 2023 年 5 月 15 日.



李淼

DOCUMENT 12

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June 9, 2023

VIA E-MAIL [VRW@JUDGEWALKER.COM]

The Honorable Vaughn R. Walker
Law Office of Vaughn R. Walker
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Re: In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Master File
No. 07-CV-944-JST

Dear Judge Walker:

Defendants Irico Group Corp. and Irico Display Devices Co., Ltd. (collectively, “Irico”) respectfully submit this sur-reply in opposition to Plaintiffs’ motion for sanctions. Plaintiffs’ May 26, 2023 reply letter brief (“Reply,” for which Plaintiffs submitted corrections to some citations on June 9, 2023) once again attempts to justify their request for terminating or other extreme sanctions by misstating applicable caselaw and the strict standards laid out therein.¹ Irico addresses only the most egregious issues below, and otherwise rests on the factual and legal arguments made in its April 21, 2023 opposition brief (“Opp’n”).

Caselaw on terminating or other severe sanctions regarding spoliation. The caselaw – including that relied upon by Plaintiffs – uniformly demonstrates that terminating and other severe sanctions require a heightened showing of culpability that is not met here, even if one assumes Plaintiffs’ version of the facts to be accurate. Critically, Plaintiffs still have not pointed to even one instance where Irico is alleged to have intentionally destroyed one piece of paper in a conscious effort intended to deprive Plaintiffs of evidence in this case.

In its opposition, Irico thoroughly addressed the cases cited by Plaintiffs in their opening brief that *actually* granted terminating or other severe sanctions – many of the cases cited did not – showing that each of those cases relied upon a finding of specific intent to deprive the other party of access to crucial information or outright fraud on the court. *See* Opp’n 5-8. Plaintiffs, however, chose not to rebut any of this case-by-case analysis (because they cannot), again trying to hide the actual facts and ultimate decision of the court regarding sanctions in each of these cases. Instead, Plaintiffs highlight one carefully selected fact from each case that might be somehow connected to the fact pattern here, without revealing to the Court the true scope of the conduct that occurred in that case cited, or whether the Court even imposed terminating or other severe sanctions in that case. Reply 8-9; *see, e.g., WeRide Corp. v. Kun Huang*, No. 5:18-CV-07233-EJD, 2020 WL

¹ References to the Reply are to Plaintiffs’ corrected letter brief submitted to the Special Master on June 9, 2023.

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The Honorable Vaughn R. Walker

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1967209 (N.D. Cal. Apr. 24, 2020) (defendants made false representations to the court while in the process of actively wiping hard drives, deleting email accounts, and moving communications to ephemeral messaging tools to evade discovery); *Glaukos Corp. v. Ivantis, Inc.*, No. SACV18620JVSJDEX, 2020 WL 10501850 (C.D. Cal. June 17, 2020) (defendants affirmatively *implemented* an auto-deletion policy after they were on notice to preserve evidence); *Fast v. GoDaddy.com LLC*, 340 F.R.D. 326 (D. Ariz. 2022), (plaintiff took affirmative steps to delete, rather than archive, relevant Facebook posts and attempted to “unsend” her Facebook messages to a witness regarding the case). From reading the Plaintiffs’ Reply, the Special Master might not realize that, in at least *four* cases relied upon by Plaintiffs, the court did not even impose a terminating or other severe sanction similar to what Plaintiffs seek here. *See supra* at 2-4. Plaintiffs also claim to have found additional support for imposing extreme sanctions, but these additional cases in fact confirm the same high burden of bad faith and intentional destruction of relevant materials, which Plaintiffs do not meet.

For example, Plaintiffs fail to address the relevant facts and sanctions in the following cases:

- Plaintiffs completely ignore the holding of *Micron Technology, Inc. v. Rambus Inc.*, 645 F.3d 1311 (Fed. Cir. 2011), failing to acknowledge that the Federal Circuit vacated the terminating sanction in that case. The Federal Circuit in fact held that the district court’s terminating sanction against Rambus was an abuse of discretion because it was *not* supported by sufficient findings of bad faith by the spoliating party. The court held that, in order to support a terminating sanction, a party must have “intended to impair the ability of the [opposing party] to defend itself” through “advantage-seeking behavior” because the proper “exacting standard” requires “destruction *for the purpose of* hiding adverse information.” *Id.* at 1326-27 (emphasis added) (quoting *Mathis v. John Morden Buick, Inc.*, 136 F.3d 1153, 1155 (7th Cir. 1998)). This vacatur was in spite of evidence that Rambus instituted a “document retention plan” with the purpose to “disguise and hide its destruction of relevant documents” and that explicitly called for highly relevant documents to be “expunge[d]” by employees. *Id.* at 1334 (Gajarsa, J., concurring in part and dissenting in part).
- Plaintiffs fail to discuss that in *Mule v. 3-D Building & Construction Management Corp.*, No. CV 18-1997 (JS) (AKT), 2021 WL 2788432 (E.D.N.Y. July 2, 2021), the court *rejected* terminating sanctions and a “broad preclusion order,” instead ordering only “monetary sanctions” and a narrow preclusion on certain arguments that applied equally to both parties. The court held that severe sanctions were “not appropriate” and “overly harsh” even following a prior discovery sanction and after finding that the defendant had “consciously” and “selectively” decided not to back up a crucial accounting file (among many others that he did back up) before discarding his computer. *Id.*, 2021 WL 2788432 at *12, 17.

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The Honorable Vaughn R. Walker

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- Similarly, in *John v. County of Lake*, No. 18-cv-06935-WHA(SK), 2020 WL 3630391 (N.D. Cal. July 3, 2020), the court granted only “the mildest version of an adverse inference instruction” after finding that defendants intentionally deleted “key” text messages, lied about the existence of such messages in their depositions, and were given an “explicit, detailed” and “specific” warning at a court hearing regarding the necessity to preserve such messages and the likelihood of sanctions if they did not. *Id.*, 2020 WL 3630391, at *4, 6-7. Plaintiffs address none of these facts.

Plaintiffs also misstate the facts and holdings of multiple cases in their Reply:

- Plaintiffs misstate the holding in *Paisley Park Enterprises, Inc. v. Boxill*, 330 F.R.D. 226 (D. Minn. 2019), by claiming that the mere “failure to de-activate [an] auto-delete function” is “sufficient” to satisfy the intent requirement for severe sanctions, Reply 9. The court actually held that a showing of such intent requires “evidence of a serious and specific sort of culpability regarding the loss of the relevant ESI” that goes well beyond the “mere negligence” of a “failure to disengage the auto-delete function.” *Id.* at 236-37. Based on a finding that defendants intentionally “wiped and discarded their phones” *after* receiving a discovery request for their text messages, the court imposed only monetary sanctions and deferred consideration of any adverse inference or evidentiary presumption until “closer to trial.” *Id.* at 237.
- Plaintiffs claim that Irico’s “conduct is comparable to that of the sanctioned part[y] in ... *Dupuis v. Marriott Corp.*,” Reply 7. But there was no sanctioned party in that case, as the court found that “[n]either a default judgment [n]or an adverse inference instruction would make sense” due to a lack of prejudice and dearth of “evidence of . . . willful destruction of evidence” and declined to impose any sanctions. *Dupuis v. Marriott Corp.*, No. 3:12-CV-00580-AC, 2014 WL 199096, at *7 (D. Or. Jan. 15, 2014). Rather, the court chastised the moving party for her “lack of candor in presenting her sanctions motion to the court.” *Id.*²

² Plaintiff also cite *InternMatch, Inc. v. Nxtbigthing, LLC* and *Facebook, Inc. v. OnlineNIC Inc.* for the same proposition, but again fail to reveal the intentional efforts by the parties in those cases to destroy and deprive the opposing party of relevant evidence. *See InternMatch*, No. 14-cv-05438-JST, 2016 WL 491483 (N.D. Cal. Feb. 8, 2016) (party attempted a cover-up of spoliation by filing a fraudulent insurance claim using forged receipts, and then tried to block the production of evidence of the fraud from his insurance carrier); *Facebook*, No. 19-CV-07071-SI (SVK), 2022 WL 2289067 (N.D. Cal. Mar. 28, 2022) (defendants lied about the existence of data backups and actively deleted over half of the relevant data in its possession while working with a Special Master to have that data collected).

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Tellingly, Plaintiffs do not even attempt to rebut the recent authorities in this district discussed in detail by Irico, including *In re Google Play Store Antitrust Litigation*, No. 21-md-02981-JD, 2023 WL 2673109 (N.D. Cal. Mar. 28, 2023), and *Apple Inc. v. Samsung Elecs. Co.*, 888 F. Supp. 2d 976, 993-94 (N.D. Cal. 2012) (“*Apple II*”), which illustrate the strict standard of intentional deprivation of evidence for the extreme sanctions Plaintiffs request. *See* Opp’n 7, 20, 25.

In sum, the spoliation cases cited by both Irico and Plaintiffs consistently demonstrate the high bar for specific intent to deprive necessary to justify terminating or other severe sanctions. Plaintiffs do not come close to clearing that bar.

Caselow on a witness’s failure to appear. Plaintiffs’ citations to cases in support of sanctions for the nonappearance of Mr. Su Xiaohua are likewise revealed as distorted when the facts of the cases are examined. The sanctioned parties in *Sali v. Corona Regional Medical Center*, 884 F.3d 1218 (9th Cir. 2018), failed (unlike Irico) to “ma[k]e any effort to secure” their expert witness’ attendance at his deposition, and received only monetary sanctions, “the mildest of the possible Rule 37 sanctions.” *Id.* at 1225 (emphasis added). *Card Technology Corp. v. DataCard Inc.*, 249 F.R.D. 567 (D. Minn. 2008) involved a party’s managing agent and “key employee” with regard to a specific issue in the case who (unlike Mr. Su) refused to appear for deposition “at a time when he was under [that party’s] control.” *Id.* at 571.³ Plaintiffs also conspicuously fail to address the very recent decision (discussed in Irico’s May 2, 2023 letter regarding supplemental authority) in *In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, No. 19-cv-01391-CRB (AGT), slip op. at 1-2 (N.D. Cal. Apr. 21, 2023) (“*Volkswagen*”), declining to sanction Volkswagen for its current managing agent’s refusal to appear for deposition and noting that the SEC had “other evidence at its disposal” mitigating any prejudice despite the recalcitrant witness’s key role in the SEC’s allegations of misconduct. *Id.* at 2.

Local Rule 7-8(c) and caselow on timeliness of sanctions requests. Plaintiffs fail to meaningfully address the fact that many of their complaints about Irico’s conduct are untimely under Civil Local Rule 7-8(c). Plaintiffs first set up a strawman by arguing that they learned new information regarding alleged spoliation “only recently,” Reply 23. But Irico argues that Rule 7-8(c) applies not to Plaintiffs’ spoliation claims but rather the assortment of unrelated complaints mixed in with Plaintiffs’ motion. In particular, Plaintiffs raise complaints about Irico’s conduct during jurisdictional discovery over *four years* ago with no arguable connection to spoliation or Mr. Su’s refusal to appear. *See* Opp’n 36-44. And Plaintiffs’ attempt to dismiss *Siebert v. Gene*

³ As already discussed in Irico’s opposition, Plaintiffs’ remaining cases are inapposite: *SEC v. Hong* because it involved parties who themselves refused to appear, rather than a former employee outside a party’s control, *see* Opp’n 33-34; No. CV 20-04080-MCS (RAOx), 2021 WL 4803497, at *4-5 (C.D. Cal. Sept. 17, 2021), and *Estate of Boyles v. Gree USA, Inc.* because it involved a Rule 30(b)(6) notice for which the defendant could have chosen *any* witness to educate and sit for deposition, Opp’n 35; No. 1:20-CV-276, 2021 WL 3570413, *3 (M.D.N.C. Aug. 12, 2021).

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Security Network, Inc. and Perdana Capital (Labuan) Inc. v. Chowdry as involving “minor disputes” or a “grab bag of minor transgressions,” Reply 23 n.42, misses the point entirely. The Local Rules are not suspended simply because Plaintiffs believe their motion to be more important than those in other cases. Nor has Irico “concede[d]” that such claims are timely by defending its past behavior on the merits, Reply 23. Rather, Irico has shown that the stale claims Plaintiffs use to improperly trump up their motion are both untimely *and* meritless.

Caselaw on protections for foreign sovereigns. Plaintiffs state for the first time in their Reply that they are not seeking a default *judgment* sanction against Irico, but rather to strike Irico’s answers, which was not at all clear from their opening motion. *See, e.g.*, Mot. 32 (“[A] default judgment is appropriate here . . .”). Regardless, the case cited by Plaintiffs regarding Irico Group’s procedural protections as a foreign sovereign instrumentality, Reply 24-25 n.43, actually supports Irico’s argument, respectfully made, that a default judgment sanction against Irico Group would exceed the Special Master’s mandate. In *Commercial Bank of Kuwait v. Rafidain Bank*, 15 F.3d 238, 242 (2d Cir. 1994), the Second Circuit recognized that default judgment against a foreign sovereign “in some cases will require a hearing” on liability and damages and always requires a record that the “*district court* was satisfied with the evidence submitted,” 15 F.3d at 242 (emphasis added). This is exactly the point Irico was making: that the district court, rather than the Special Master, would need to make that determination.

* * *

The Special Master should deny Plaintiffs’ request for terminating sanctions and their alternate request for adverse inference, striking of defenses, and other extreme sanctions.

Sincerely,
/s/ John Taladay
John Taladay

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DOCUMENT 13

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July 20, 2023

VIA E-MAIL [VRW@JUDGEWALKER.COM]
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Re: In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Master File
No. 07-CV-944-JST

Dear Judge Walker:

At yesterday's hearing on Plaintiffs' motion for sanctions against the Irico Defendants, counsel for Irico referenced and displayed a copy of Direct Purchaser Plaintiffs' ("DPPs") Second Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico Display Devices Co., Ltd.'s First Set of Interrogatories, also marked as deposition exhibit number 8649 from the recent deposition of DPPs' economic expert, Dr. Phillip Johnson. A copy of that exhibit is enclosed for Your Honor's reference.

Sincerely,
/s/ John Taladay
John Taladay

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8 *Lead Counsel for Direct Purchaser Plaintiffs*

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13
14 IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 07-CV-5944-JST

MDL No. 1917

15
16 This Document Relates To:

17 *ALL DIRECT PURCHASER ACTIONS*

**DIRECT PURCHASER PLAINTIFFS’
SECOND SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO
DEFENDANTS IRICO GROUP CORP.
AND IRICO DISPLAY DEVICES CO.,
LTD.’S FIRST SET OF
INTERROGATORIES TO DIRECT
PURCHASER PLAINTIFFS**

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**Exhibit
8649**

Phillip Johnson

PROPOUNDING PARTIES: IRICO GROUP CORP.; IRICO DISPLAY DEVICES CO., LTD.

RESPONDING PARTIES: ARCH ELECTRONICS, INC.; CRAGO, D/B/A DASH COMPUTERS, INC.; MEIJER, INC.; MEIJER DISTRIBUTION, INC.; NATHAN MUCHNICK, INC.; PRINCETON DISPLAY TECHNOLOGIES, INC.; RADIO & TV EQUIPMENT, INC.; STUDIO SPECTRUM, INC.; WETTSTEIN AND SONS, INC. D/B/A WETTSTEIN'S

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Direct Purchaser Plaintiffs Arch Electronics, Inc.; Crago, d/b/a Dash Computers, Inc.; Meijer, Inc.; Meijer Distribution, Inc.; Nathan Muchnick, Inc.; Princeton Display Technologies, Inc.; Radio & TV Equipment, Inc.; Studio Spectrum, Inc.; and Wettstein and Sons, Inc. d/b/a Wettstein's (together, "Plaintiffs"), by their attorneys, hereby provide the following objections to Defendants Irico Group Corp. and Irico Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs (the "Interrogatories") as follows:

GENERAL OBJECTIONS

Each of the following objections is incorporated by reference into each of the responses herein:

1. Plaintiffs and their counsel have not completed their (1) investigation of the facts relating to this case, (2) discovery in this action, or (3) preparation for trial. The following responses are therefore based upon information known at this time and are provided without prejudice to Plaintiffs' right to supplement these responses prior to trial or to produce evidence based on subsequently discovered information. Likewise, Plaintiffs' responses are based upon, and therefore limited by, Plaintiffs' present knowledge and recollection, and consequently, Plaintiffs reserve the right to make any changes to these responses if it appears at any time that inadvertent errors or omissions have been made.

2. Plaintiffs generally object to the Interrogatories, including the Instructions and Definitions, on the ground that they purport to enlarge, expand or alter in any way the plain

1 meaning and scope of any interrogatory or to impose any obligations on Plaintiffs' responses in
2 excess of those required by the Federal Rules of Civil Procedure. Plaintiffs will respond to these
3 Interrogatories in accordance with their understanding of the obligations imposed by the Federal
4 Rules of Civil Procedure.

5 3. Plaintiffs object to the Interrogatories, including the Instructions and Definitions, on
6 the ground that the information sought is protected by the attorney-client privilege, the attorney
7 work product doctrine, the settlement privilege, the mediation privilege or is otherwise privileged
8 and/or immune from discovery. By responding to these Interrogatories, Plaintiffs do not waive,
9 intentionally or otherwise, any attorney-client privilege, any settlement privilege, any mediation
10 privilege, attorney work-product or any other privilege, immunity or other protection that may be
11 asserted to protect any information from disclosure. Accordingly, any response or production of
12 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
13 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

14 4. Plaintiffs object to these Interrogatories on the ground that they are compound,
15 conjunctive or disjunctive.

16 5. Plaintiffs object to the Interrogatories on the ground that they duplicate other
17 requests, in whole or in part, made in MDL No. 1917 in violation of the Court's Order Re
18 Discovery and Case Management Protocol (April 2, 2012) (Dkt. 1128). Plaintiffs will not
19 reproduce any material that has been previously produced by another party to MDL No. 1917. *See*
20 Case Management Order, 2 (Feb. 16, 2021) (Dkt. 5907).

21 6. Plaintiffs object to the Interrogatories on the ground that they are overly broad and
22 unduly burdensome.

23 7. Plaintiffs object to the Interrogatories on the ground that they are vague, ambiguous,
24 redundant, harassing or oppressive.

25 8. Plaintiffs object to the Interrogatories on the ground that they require Plaintiffs to
26 draw legal conclusions.

27 9. Plaintiffs object to the Interrogatories on the ground that the information requested
28 is neither relevant nor proportional to the needs of the case.

1 10. Plaintiffs object to the Interrogatories on the ground that they, or any portion of
2 them, seek production of any information within the possession, custody, or control of any
3 Defendant, or of publicly available information such that the information is obtainable from some
4 other source that is more convenient, less burdensome or less expensive, or the production of the
5 information will impose undue burden, inconvenience, or expense upon Plaintiffs.

6 11. Plaintiffs reserve the right to modify their allegations based on additional discovery,
7 additional analysis of existing discovery, discovery not yet completed and/or expert discovery, and
8 Plaintiffs reserve the right to supplement and/or delete the responses given in light of further
9 evidence and further analysis of present and subsequently acquired evidence.

10 12. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiffs
11 reserve the right to introduce evidence not yet identified herein supporting Plaintiffs' allegations,
12 including evidence that Plaintiffs expect to further develop through the course of discovery and
13 expert analysis.

14 13. In providing responses to the Interrogatories, Plaintiffs reserve all objections as to
15 competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent
16 proceeding in, or trial of, this or any other action for any purpose whatsoever.

17 14. No incidental or implied admissions are intended in these responses. Plaintiffs'
18 response to all or any part of any interrogatory should not be taken as an admission that: (a)
19 Plaintiffs accept or admit the existence of any fact(s) set forth or assumed by the interrogatory; or
20 (b) Plaintiffs have in their possession, custody or control documents or information responsive to
21 that interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiffs'
22 response to all or any part of an interrogatory also is not intended to be, and shall not be, a waiver
23 by Plaintiffs of all or any part of its objection(s) to that interrogatory.

24 15. Plaintiffs object to the Interrogatories on the ground that the cumulative requests by
25 Defendants and Co-Conspirators in this litigation exceed the permissible number set forth in the
26 Federal Rules.

27 **OBJECTIONS TO CERTAIN DEFINITIONS AND INSTRUCTIONS**

28 1. Plaintiffs object to the definition of "Claim Form(s)" on the grounds that the term
DPPS' SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO IRICO DEFENDANTS' FIRST SET OF
INTERROGATORIES; Master File No. 07-CV-5944-JST

1 “or similar forms approved by the Court and sent to or otherwise made available to potential Class
2 Members” is vague and ambiguous and requires Plaintiffs to refer to multiple documents.

3 2. Plaintiffs object to the definition of “Complaint” as vague and ambiguous. Plaintiffs
4 understand this definition to refer to DPPs’ Consolidated Amended Complaint at ECF No. 436 and
5 as modified by the Stipulation and Order at ECF No. 996.

6 3. Plaintiffs object to the definition of “Control” to the extent it requires Plaintiffs to
7 draw legal conclusions.

8 4. Plaintiffs object to the definition of “Co-Conspirators” on the grounds that it is
9 vague, ambiguous, and unintelligible. Paragraphs 105-111 of DPP’s Consolidated Amended
10 Complaint (ECF No. 436) describe CRT technology and products and do not enumerate entities.

11 5. Plaintiffs object to the definition of “Document(s)” on the ground that it is
12 overbroad boilerplate that includes irrelevant examples, such as “package inserts or other
13 information accompanying medications.” Plaintiffs further object to the extent that the
14 definition exceeds the scope of the Federal Rules of Civil Procedure.

15 6. Plaintiffs object to the definition of “Irico CRTs” as vague, ambiguous, and
16 unintelligible. Paragraphs 37-39 of the Complaint identify the Irico entities named as Defendants to
17 this litigation and allege that those entities manufactured, sold, and distributed CRT Products either
18 directly or through their subsidiaries or affiliates throughout the United States. The phrase
19 “including without limitation any Claim Form(s) that reflects purchases from Irico in Sections A,
20 B, or C of the form” is inconsistent with the preceding language in the definition and renders the
21 definition unintelligible.

22 7. Plaintiffs object to the definition of “Verified” as vague, ambiguous, and
23 incomplete. The citation provided does not define the term “Verified.”

24 8. Plaintiffs object to the definition of “You” and “Your” as vague and ambiguous as
25 it relies on the undefined, capitalized term “Plaintiffs.” If “Plaintiffs” is intended to mean the
26 parties identified as “Responding Parties” in the Interrogatories, Plaintiffs object to the definition
27 as overbroad in seeking discovery of class members who are not current Named Plaintiffs and have
28 not served as Class Representatives and further object on the grounds that this definition seeks the

1 production of documents outside Plaintiffs' possession, custody, and control. Plaintiffs further
 2 object on the ground that attorneys and agents are included in this definition, and any response or
 3 production of documents that may subsequently occur pursuant to these Interrogatories shall not
 4 include any documents protected by the attorney-client privilege, work product doctrine, the
 5 settlement privilege, or any other applicable privileges or doctrines. Plaintiffs further object to this
 6 definition to the extent that it refers to any entity other than Plaintiffs.

7 9. Plaintiffs object to the Instructions to the extent they seek to expand the
 8 requirements of the Federal Rules of Civil Procedure. Plaintiffs will respond in accordance with the
 9 Federal Rules.

10 **RESPONSES**

11 **INTERROGATORY NO. 1**

12 Identify any Document(s) that summarize, analyze, evaluate or otherwise compile any
 13 information contained in Claim Forms.

14 **RESPONSE TO INTERROGATORY NO. 1**

15 In addition to Plaintiffs' General Objections and Objections to Certain Definitions and
 16 Instructions, each of which is incorporated by this reference as though fully set forth herein,
 17 Plaintiffs object to this Interrogatory on the grounds that it calls for materials that are protected by
 18 the attorney-client privilege, the work product rule, and/or other evidentiary privilege. Plaintiffs
 19 further object to this Interrogatory on the grounds that it is vague and ambiguous including in its
 20 use of the terms "summarize," "analyze," "evaluate," and "otherwise compile." Plaintiffs further
 21 object to this Interrogatory on the grounds that it is overbroad and duplicative, and harassing in that
 22 it will interfere with the ongoing claims process as to which Defendants have no interest. Plaintiffs
 23 further object to this Interrogatory on the ground that the burden on Plaintiffs to describe such an
 24 overbroad group of documents outweighs any likely benefit and is not proportional to the needs of
 25 the case. Plaintiffs further object to this Interrogatory on the grounds that it seeks discovery of
 26 absent class members and serves as an inappropriate end-run around the prohibition on discovery
 27 of absent class members. Plaintiffs further object to this Interrogatory on the grounds that it seeks
 28 irrelevant information that is not necessary or proportional. Plaintiffs further object to this

1 Interrogatory on the grounds that it seeks confidential information of absent class members in
 2 violation of their privacy rights. Plaintiffs also object to this Interrogatory on the ground that it is
 3 compound.

4 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1**

5 Plaintiffs hereby incorporate their previous objections and response to this interrogatory,
 6 *supra*. Subject to, and without waiving the foregoing objections, Plaintiffs provide the following
 7 supplemental response pursuant to an agreement with the Irico Defendants whereby the Irico
 8 Defendants “will narrow the scope of the outstanding discovery requests to the information
 9 provided in Paragraphs 1(a), (b) and (c) in our proposed stipulation” provided that Plaintiffs
 10 provide this information and, subject to the Irico Defendants’ reservation of rights, represent to
 11 Plaintiffs “that at this time Irico does not intend to serve further discovery regarding the claims
 12 process, the claims administrator or the absent class members.” *See* Rushing July 7, 2021 Ltr.;
 13 Werbel July 9, 2021 Ltr. Subject to the foregoing agreement and without waiving the foregoing
 14 objections, Plaintiffs provide the following supplemental response:

- 15 a. To date, Direct Purchaser Plaintiffs have identified 1,816 valid claim forms
 16 submitted by settlement class members for the direct purchase of CRTs, Televisions
 17 or Monitors in the United States. Of the 1,816 valid claim forms, 334 identified
 18 purchases of CRTs, 1,549 identified purchases of Televisions, and 992 identified
 19 purchases of Monitors.
- 20 b. To date, Direct Purchaser Plaintiffs have identified no valid claims for purchases of
 21 a CRT, Television or Monitor by a settlement class member from any of the Irico
 22 Defendants.
- 23 c. Direct Purchaser Plaintiffs have no records from any third party documenting direct
 24 purchases of Irico CRTs or televisions or monitors containing Irico CRTs in the
 25 United States.

26 Plaintiffs will supplement this response in accordance with Rule 26(e) of the Federal Rules of Civil
 27 Procedure.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1

Plaintiffs hereby incorporate their previous objections and responses to this interrogatory, *supra*. Subject to, and without waiving the foregoing objections, Plaintiffs provide the following supplemental response pursuant to the agreement set forth in Plaintiffs' supplemental response to this interrogatory, *supra*. Subject to the foregoing agreement and without waiving the foregoing objections, Plaintiffs provide the following supplemental response:

- a. To date, Direct Purchaser Plaintiffs have identified 1,834 valid claim forms submitted by settlement class members for the direct purchase of CRTs, Televisions or Monitors in the United States. Of the 1,834 valid claim forms, 349 identified purchases of CRTs, 1,550 identified purchases of Televisions, and 1,008 identified purchases of Monitors.
- b. To date, Direct Purchaser Plaintiffs have identified no valid claims for purchases of a CRT, Television or Monitor by a settlement class member from any of the Irico Defendants.
- c. Direct Purchaser Plaintiffs have no records from any third party documenting direct purchases of Irico CRTs or televisions or monitors containing Irico CRTs in the United States.

INTERROGATORY NO. 2

Separately, for each Defendant or Co-Conspirator listed on the Claim Form, Identify:

- a. The total number of submitted and Verified Claim Forms that include purchases from that Defendant or Co-Conspirator in Section A of the Claim Forms;
- b. The total dollar amount of purchases from that Defendant or Co-Conspirator detailed in Section A of the submitted and Verified Claim Forms;
- c. The total number of submitted and Verified Claim Forms from that Defendant or Co-Conspirator that include purchases in Section B of the Claim Forms;
- d. The total dollar amount of purchases from that Defendant or Co-Conspirator detailed in Section B of the submitted and Verified Claim Forms;
- e. The total number of submitted and Verified Claim Forms that include purchases

1 from that Defendant or Co-Conspirator in Section C of the Claim Forms; and,
2 f. The total dollar amount of purchases from that Defendant or Co-Conspirator
3 detailed in Section C of the submitted and Verified Claim Forms.

4 **RESPONSE TO INTERROGATORY NO. 2**

5 In addition to Plaintiffs' General Objections and Objections to Certain Definitions and
6 Instructions, each of which is incorporated by this reference as though fully set forth herein,
7 Plaintiffs further object to this Interrogatory on the ground that it is vague and ambiguous as to the
8 meaning of "Identify," "Co-Conspirator," "Verified," and "submitted." Plaintiffs further object to
9 this Interrogatory on the ground that the burden on Plaintiffs to provide this analysis of the claims
10 process outweighs its likely benefit and is not proportional to the needs of the case. Plaintiffs object
11 to this Interrogatory on the ground that it is compound. Plaintiffs further object to this Interrogatory
12 on the grounds that it calls for (or could be construed to call for) materials that are protected by the
13 attorney-client privilege, the work product rule or other evidentiary privilege. Plaintiffs further
14 object to this Interrogatory on the grounds that Defendants' sales information is more easily
15 available to Defendants from their own records and from discovery already produced in this
16 litigation. Plaintiffs further object to this Interrogatory on the grounds that it seeks discovery of
17 absent class members and serves as an inappropriate end-run around the prohibition on discovery
18 of absent class members. Plaintiffs further object to this Interrogatory on the grounds that it seeks
19 irrelevant information that is not necessary or proportional. Plaintiffs further object to this
20 Interrogatory on the grounds that it seeks confidential information of absent class members in
21 violation of their privacy rights. Plaintiffs further object to this Interrogatory on the grounds that it
22 is overbroad and duplicative, and harassing in that it will interfere with the ongoing claims process
23 as to which Defendants have no interest.

24 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2**

25 Plaintiffs hereby incorporate their previous objections and response to this interrogatory,
26 *supra*. Subject to, and without waiving the foregoing objections, Plaintiffs supplement their
27 response as follows:

28 *See* supplemental response to Interrogatory No. 1, *supra*.

1 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2**

2 Plaintiffs hereby incorporate their previous objections and responses to this interrogatory,
3 *supra*. Subject to, and without waiving the foregoing objections, Plaintiffs supplement their
4 responses as follows:

5 *See* second supplemental response to Interrogatory No. 1, *supra*.

6 **INTERROGATORY NO. 3**

7 Identify any claims submitted involving Irico CRTs not Identified in Your response to
8 Interrogatory No. 2.

9 **RESPONSE TO INTERROGATORY NO. 3**

10 In addition to Plaintiffs' General Objections and Objections to Certain Definitions and
11 Instructions, each of which is incorporated by this reference as though fully set forth herein,
12 Plaintiffs further object to this Interrogatory on the ground that it is vague and ambiguous in its use
13 of terms "claims submitted," "Irico CRTs," and "involving." Plaintiffs further object to this
14 Interrogatory on the grounds that it calls for (or could be construed to call for) materials that are
15 protected by the attorney-client privilege, the work product rule or other evidentiary privilege.
16 Plaintiffs further object to this Interrogatory on the grounds that it seeks individualized discovery
17 of absent class members and serves as an inappropriate end-run around the prohibition on
18 discovery of absent class members. Plaintiffs further object to this Interrogatory on the grounds
19 that it seeks information about individualized claims that are not necessary or proportional at this
20 stage of the litigation. Plaintiffs further object to this Interrogatory on the grounds that it seeks
21 confidential information of absent class members in violation of their privacy rights. Plaintiffs
22 further object to this Interrogatory on the grounds that it is overbroad and duplicative, and
23 harassing in that it will interfere with the ongoing claims process as to which Defendants have no
24 interest.

25 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3**

26 Plaintiffs hereby incorporate their previous objections and response to this interrogatory,
27 *supra*. Subject to, and without waiving the foregoing objections, Plaintiffs supplement their
28 response as follows:

1 *See* supplemental response to Interrogatory No. 1, *supra*.

2 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3**

3 Plaintiffs hereby incorporate their previous objections and responses to this interrogatory,
4 *supra*. Subject to, and without waiving the foregoing objections, Plaintiffs supplement their
5 responses as follows:

6 *See* second supplemental response to Interrogatory No. 1, *supra*.

7
8 DATED: April 28, 2022

By: /s/ R. Alexander Saveri

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August 22, 2023

VIA EMAIL

The Honorable Vaughn R. Walker
Law Office of Vaughn R. Walker
Four Embarcadero Center, Suite 2200
San Francisco, CA 94111
vrw@judgewalker.com

Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation* – MDL No. 1917, No. 07-CV-5944-JST/Plaintiffs' Motion for Sanctions

Dear Judge Walker:

At oral argument on the Motion for Sanctions (the “Sanctions Motion”) against Defendants Irico Group Corp. and Irico Display Devices Co., Ltd. (collectively, “Irico”) that is currently under submission before Your Honor, Plaintiffs mentioned that Irico intended to file a motion for summary judgment against the Indirect Purchaser Plaintiffs (“IPPs”). We write to inform Your Honor that Irico has now filed that motion (the “SJ Motion”). A redacted version of the Motion was filed on July 28, 2023 (ECF No. 6225). An unredacted version is now available as ECF No. 6261 on the Court’s online docket. The SJ Motion has implications for the Sanctions Motion that we respectfully request Your Honor consider.

Plaintiffs argued in their Sanctions Motion that Irico’s defenses seek to exploit gaps in the evidence created by its willful and near-total spoliation of relevant evidence. The SJ Motion highlights that problem. It repeatedly asserts arguments as to which Plaintiffs’ ability to respond has been impaired by Irico’s spoliation of relevant evidence:

1. Irico seeks summary judgment on IPPs’ claims under the laws of 20 of the 22 States alleged by IPPs, arguing that IPPs have failed to provide evidence that applying the laws of those States to Irico would satisfy due process because Irico lacks sufficient contacts with those States. SJ Motion at 2-3, 6-9. Irico did not preserve documents or electronically stored information (ESI) showing communications with its customers. Such evidence likely would have confirmed that Irico communicated with or about customers in the United States, that it was involved in testing its CRTs for compatibility with televisions and monitors to be sold in the United States, and that it knew large quantities of televisions and monitors containing its CRTs were shipped to the relevant states.

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2. Irico also argues that IPPs lack sufficient evidence of Irico's participation in the conspiracy prior to August 5, 1998. *Id.* at 3-4, 12-15. Had Irico's files and records been preserved, they would provide internal evidence of Irico's conduct prior to that date. Irico's failure to preserve evidence unfairly prejudices Plaintiffs' effort to establish Irico's conduct during that time period.

3. Irico argues that "international comity" requires the dismissal of IPPs' claims. It asserts that the Chinese government compelled it to charge the prices at which it sold its CRTs, and, thus, that Chinese law imposed legal duties on it that were incompatible with compliance with U.S. antitrust laws. *Id.* at 15-22.¹ But virtually no documents have survived that shed any light on how Irico actually determined the prices it would charge.

In sum, the SJ Motion underscores the prejudice Plaintiffs have suffered as a result of Irico's failure to preserve documents and ESI. The Court, too, is a potential victim: It is at risk of being forced to decide the SJ Motion, and also the trial of this case, without the complete evidentiary record that is needed to ensure a just result.

Very truly yours,

/s/ Mario N. Alioto

Mario N. Alioto

Lead Counsel for the Indirect Purchaser Plaintiffs

/s/ R. Alexander Saveri

R. Alexander Saveri

Lead Counsel for the Direct Purchaser Plaintiffs

Cc: John M. Taladay
Evan J. Werbel
Thomas E. Carter
Andrew L. Lucarelli
Kaylee Yang

¹ This argument is based on the 8th, 11th and 12th Affirmative Defenses of both Irico Group's and Irico Display's Answers to IPPs' Fifth Amended Complaint (ECF Nos. 5873 and 5875). The Irico Defendants asserted those same affirmative defenses in its Answers to DPPs' Consolidated Amended Complaint (ECF Nos. 5872 and 5874). Irico identified the evidence relevant to each of its Affirmative Defenses in the Irico Defendants' Suppl. Objections and Responses to IPPs' Fourth Set of Interrogatories, dated Sept. 1, 2022. Plaintiffs intended to attach these responses as Exhibit X to the Declaration of Lauren C. Capurro filed in support of the Sanctions Motion, but inadvertently attached the wrong document. The correct Exhibit X is attached to this letter. Plaintiffs respectfully request that Your Honor substitute the attached correct Exhibit X for the incorrect version in the record.

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Mario N. Alioto

Daniel E. Birkhaeuser

Geoffrey C. Rushing

Matthew D. Heaphy

CORRECTED
EXHIBIT X

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9 *Attorneys for Defendants*
10 *IRICO GROUP CORP. and*
IRICO DISPLAY DEVICES CO., LTD.

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**

14
15 IN RE: CATHODE RAY TUBE (CRT)
16 ANTITRUST LITIGATION

Master File No. 07-cv-05944-JST
(N.D. Cal.)

MDL No. 1917

17
18 This Document Relates to:

19 *ALL INDIRECT PURCHASER ACTIONS*

**IRICO DEFENDANTS’
SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO INDIRECT
PURCHASER PLAINTIFFS’ FOURTH
SET OF INTERROGATORIES TO
IRICO GROUP CORPORATION AND
IRICO DISPLAY DEVICES CO., LTD.**

20
21
22
23 PROPOUNDING PARTY: Indirect Purchaser Plaintiffs

24 RESPONDING PARTIES: Irico Group Corporation
Irico Display Devices Co., Ltd.

25 SET NUMBER: Four
26
27
28

Pursuant to Federal Rules of Civil Procedure 26 and 33, Irico Group Corporation and Irico Display Devices Co, Ltd. (collectively, “Irico” or “Irico Defendants”) hereby provides these supplemental responses to the Indirect Purchaser Plaintiffs’ (“Plaintiffs”) Fourth Set of Interrogatories to Irico Group Corporation and Irico Display Devices Co., Ltd., dated December 14, 2021 (“Interrogatories”). Irico reserves the right to further amend or supplement these Objections and Responses (the “Responses”) to the extent allowed by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California (“Local Rules”). Subject to and without waiving any of Irico’s General and Specific Objections as set forth below, Irico is willing to meet and confer with Plaintiffs regarding such General and Specific Objections.

The following Responses are made only for purposes of this case. The Responses are subject to all objections as to relevance, materiality and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court. All evidentiary objections and grounds are expressly reserved.

These Responses are subject to the provisions of the Stipulated Protective Order issued by the Court on June 18, 2008 (“Protective Order”). Irico’s Responses are hereby designated “Confidential” in accordance with the provisions of the Protective Order.

GENERAL OBJECTIONS

Irico makes the following General Objections to Plaintiffs’ Interrogatories:

1. Irico’s Responses are based upon information available to and located by Irico as of the date of service of these Responses. In responding to Plaintiffs’ Interrogatories, Irico states that it has conducted a diligent search, reasonable in scope, of those files and records in its possession, custody, or control believed to likely contain information responsive to Plaintiffs’ Interrogatories.

2. No express, incidental, or implied admissions are intended by these Responses and should not be read or construed as such.

3. Irico does not intend, and its Responses should not be construed as, an agreement or acquiescence with any characterization of fact, assumption, or conclusion of law contained in

1 or implied by the Requests.

2 4. Irico has made a good faith and reasonable attempt to ascertain whether
3 information responsive to Plaintiffs' Interrogatories exists and is properly producible, and has
4 produced or made available for examination non-privileged responsive materials located during
5 the course of that reasonable search.

6 5. To the extent that Irico refers to any pleading, expert report, or other filing in its
7 Specific Responses, Irico incorporates by reference all exhibits and/or evidence cited therein.

8 6. Irico objects to Plaintiffs' Interrogatories to the extent that they are overly broad,
9 unduly burdensome, oppressive, and duplicative to the extent that they seek information or
10 documents that are already in the possession, custody, or control of Plaintiffs.

11 7. Irico objects to Plaintiffs' Interrogatories to the extent that they seek to impose
12 obligations on Irico beyond those of the Federal Rules of Civil Procedure, the Local Rules, or any
13 Order of this Court.

14 8. Irico objects to Plaintiffs' Interrogatories to the extent that they request duplicative
15 discovery in violation of the Order Re Discovery And Case Management Protocol, ECF No.
16 1128. *See* Order Re Plaintiffs' Motions To Compel Supplemental Discovery From Toshiba And
17 Panasonic, ECF No. 4128, at 4 ("The Discovery Protocol (ECF No 1128), requires parties to
18 coordinate discovery and not file duplicative discovery. . . . The benefit redounds to all parties on
19 both sides of the litigation, by conserving the efforts required by Plaintiffs and protecting
20 defendants against unnecessary duplication of effort.") (Report and Recommendation adopted in
21 full at ECF No. 4256).

22 9. Irico objects to Plaintiffs' Interrogatories to the extent they seek information that is
23 not relevant or disproportionate to the needs of the case.

24 10. Irico objects to Plaintiffs' Interrogatories to the extent that they are vague,
25 ambiguous, or susceptible to more than one interpretation. Irico has attempted to construe such
26 vague or ambiguous Interrogatories so as to provide for the production of responsive information
27 that is proportionate to the needs of the case. If Plaintiffs subsequently asserts an interpretation of
28 any Interrogatory that differs from Irico's understanding, Irico reserves the right to supplement or

1 amend its Responses.

2 11. Irico objects to Plaintiffs' Interrogatories to the extent that they contain terms that
3 are insufficiently or imprecisely defined. Irico shall attempt to construe such vague or ambiguous
4 Interrogatories so as to provide for the production of responsive information that is proportionate
5 to the needs of the case.

6 12. Irico objects to Plaintiffs' Interrogatories to the extent that they seek information
7 that is protected from disclosure by the attorney-client privilege, work product doctrine, joint
8 defense or common interest privilege, self-evaluative privilege, or any other applicable privilege
9 or immunity. Irico provides only information that it believes to be non-privileged and otherwise
10 properly discoverable. Nothing in Irico's responses is intended nor should be construed as a
11 waiver of any such privilege or immunity. The inadvertent or mistaken provision of any
12 information or responsive documents subject to any such doctrine, privilege, protection or
13 immunity from production shall not constitute a general, inadvertent, implicit, subject-matter,
14 separate, independent or other waiver of such doctrine, privilege, protection or immunity from
15 production.

16 13. Irico objects to Plaintiffs' Interrogatories to the extent that they call for
17 information that is not in the possession, custody, or control of Irico. Irico also objects to the
18 extent that any of Plaintiffs' Interrogatories seek information from non-parties or third parties,
19 including but not limited to any of Irico's subsidiary or affiliated companies.

20 14. Irico objects to Plaintiffs' Interrogatories to the extent that responding would
21 require Irico to violate the privacy and/or confidentiality of a third party or confidentiality
22 agreement with a third party.

23 15. Irico objects to Plaintiffs' Interrogatories to the extent that they seek information
24 that is publicly available, already in Plaintiffs' possession, custody, or control, or more readily
25 available from other sources.

26 16. Irico objects to Plaintiffs' Interrogatories to the extent that they seek information
27 or documents concerning transactions outside the United States. Such Requests are unduly
28 burdensome and disproportionate to the needs of the case as Plaintiffs' class definition is confined

1 to “individuals and entities that indirectly purchased Cathode Ray Tube Products . . . in the United
2 States” (see Indirect Purchaser Plaintiffs’ Fifth Consolidated Amended Complaint (“Complaint”)
3 dated September 19, 2019).

4 17. Irico objects to Plaintiffs’ Interrogatories to the extent that compliance would
5 require Irico to violate the laws, regulations, procedures, or orders of a judicial or regulatory body
6 of foreign jurisdictions.

7 18. Irico’s responses pursuant to Plaintiffs’ Interrogatories should not be construed as
8 either (i) a waiver of any of Irico’s general or specific objections or (ii) an admission that such
9 information or documents are either relevant or admissible as evidence.

10 19. Irico objects to Plaintiffs’ Interrogatories to the extent that they are compound
11 and/or contain discrete subparts in violation of Federal Rule of Civil Procedure 33(a)(1).

12 20. Irico objects to Plaintiffs’ Interrogatories to the extent that they state and/or call for
13 legal conclusions.

14 21. Irico objects to the Interrogatories to the extent that they contain express or implied
15 assumptions of fact or law with respect to the matters at issue in this case.

16 22. Irico objects to the Interrogatories to the extent they seek information or
17 documents that cannot be removed or transmitted outside China without violating the laws and
18 regulations of that country, including but not limited to restrictions on the transmission of state
19 secrets or trade secrets as those terms are defined under Chinese law.

20 23. Irico objects to the Interrogatories to the extent that they are premature based on
21 the current status of discovery in the case. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011
22 WL 9558055 (N.D. Cal. May 19, 2011). Irico further objects to each Interrogatory to the extent
23 that it: (a) conflicts with obligations that are imposed by the Federal Rules of Civil Procedure, the
24 Civil Local Rules of this Court, and/or any other applicable rule; and/or (b) seeks information that
25 is dependent on depositions that have not occurred.

26 24. Irico reserves the right to assert additional General and Specific Objections as
27 appropriate to supplement these Responses.

28 These General Objections apply to each Interrogatory as though restated in full in the

1 responses thereto. The failure to mention any of the foregoing General Objections in the specific
2 responses set forth below shall not be deemed as a waiver of such objections or limitations.

3 **GENERAL OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

4 1. Irico objects to the definitions of “Including” and “Relating” (Definition No. 1) on
5 the grounds that it calls for a legal conclusion and is otherwise vague, ambiguous, and overly
6 broad. Irico further objects to this definition to the extent that it attempts to impose burdens on
7 Irico beyond those imposed by the Federal Rules of Civil Procedure. Irico further objects to this
8 definition to the extent that it seeks information protected by the attorney client or other
9 applicable privilege, attorney work product doctrine, or otherwise seeks to violate rights of
10 privacy under U.S. or foreign law.

11 2. Irico objects to the definitions of “You,” “Your,” and “Irico” (Definition No. 2) to
12 the extent that Plaintiffs defines those terms to include the Irico’s “present and former members,
13 officers, agents, employees, and all other persons acting or purporting to act on their behalf,
14 including all present and former members, officers, agents, employees, and all other persons
15 exercising or purporting to exercise discretion, making policy, and make decisions.” This
16 definition is overbroad, unduly burdensome, vague, and ambiguous. In particular, Irico objects to
17 this definition to the extent it purports to request information beyond the possession, custody, or
18 control of Irico Group or Irico Display, including but not limited to information in the possession
19 of non-parties and third parties where Irico lacks any duty to obtain or otherwise search for the
20 information and for whom the Court lacks personal jurisdiction. Irico also objects to the inclusion
21 of all “present or former employees, officers, directors, agents . . . or any other person acting on
22 [the] behalf [of]” Irico within this definition to the extent it purports to encompass information
23 that is protected by attorney-client privilege, work product protection or any other applicable
24 doctrine, privilege, protection or immunity or otherwise calls for a legal conclusion.

25 3. Irico objects to the definition of “Identify” (Definition No. 3) on the grounds that
26 the definition is overly broad, unduly burdensome, and seeks information that is neither relevant
27 nor proportionate to the needs of the case.

28 4. Irico objects to the definition of “Document” (Definition No. 5) to the extent it

1 seeks to impose requirements that are beyond those imposed by the Federal Rules of Civil
2 Procedure, the Local Rules, any Order of this Court, or any other applicable laws.

3 5. Irico objects to the definition of “CRT” (Definition No. 6) on the grounds that it is
4 vague, ambiguous and overly broad.

5 6. Irico objects to Instruction No. 1 (related to disclosure of additional information) to
6 the extent it purports to impose burdens or obligations broader than, inconsistent with, or not
7 authorized under the Federal Rules of Civil Procedure, including, without limiting the generality
8 of the foregoing, Rule 26(e).

9 7. Irico objects to Instruction No. 2 (related to production of business records) to the
10 extent that it purports to impose burdens or obligations broader than, inconsistent with, or not
11 authorized under the Federal Rules of Civil Procedure, including, without limiting the generality
12 of the foregoing, Rule 33(d), Rule 26(b). Irico further objects to this Instruction to the extent that
13 it purports to impose burdens or obligations broader than, inconsistent with, or not authorized
14 under, the Local Rules and any Orders of the Court.

15 8. Irico objects to Instruction No. 3 (related to privileged information) to the extent
16 that it purports to impose burdens or obligations broader than, inconsistent with, or not authorized
17 under the Federal Rules of Civil Procedure, including, without limiting the generality of the
18 foregoing, Rule 33(d), Rule 26(b)(5)(A) and Rule 26(e)(1). Irico further objects to this Instruction
19 to the extent that it purports to impose burdens or obligations broader than, inconsistent with, or
20 not authorized under, the Local Rules and any Orders of the Court, and on the grounds that it is
21 vague, ambiguous, and inconsistent with common usage. Irico further objects to this Instruction to
22 the extent it seeks information that would disclose personal confidential information and/or
23 violate any and all rights of privacy under the United States Constitution or Article I of the
24 Constitution of the State of California, or any other applicable law or state constitution, or that is
25 otherwise prohibited from disclosure because to do so would cause Irico to violate legal and/or
26 contractual obligations to any other persons or entities.

27 **SPECIFIC RESPONSES TO INTERROGATORIES**

28 **INTERROGATORY NO. 7**

1 As to each of the Defenses set forth in Your Answers to IPPs' Fifth Consolidated
2 Complaint (ECF Nos. 5873, 5875):

- 3 a. State all facts that You rely on to support Your contention;
4 b. Identify each Person You contend has knowledge of facts that support Your
5 contention; and
6 c. Identify each Document You contend supports Your contention

7 **RESPONSE TO INTERROGATORY NO. 7**

8 In addition to Irico's General Objections, which Irico incorporates by reference, Irico
9 specifically objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome,
10 not proportional to the needs of the case, and seeks information that is maintained by and equally
11 available to Plaintiffs or stated in publicly available documents. Irico objects to this Interrogatory
12 on the grounds that it calls for a legal conclusion. Irico objects that the term "support" is vague
13 and ambiguous, rendering this Interrogatory overbroad, unduly burdensome, and not
14 proportionate to the needs of the case. Irico also objects to this Interrogatory on the grounds that it
15 contains impermissible subparts as Irico has identified forty-one defenses in its Answer to the
16 Plaintiffs' Complaint. Irico also objects to this Interrogatory to the extent it improperly tries to
17 shift the evidentiary burden that Plaintiffs alone carry to Irico. Irico further objects to Plaintiffs'
18 Interrogatories to the extent that they request duplicative discovery in violation of the Order Re
19 Discovery And Case Management Protocol, ECF No. 1128. *See* Order Re Plaintiffs' Motions To
20 Compel Supplemental Discovery From Toshiba And Panasonic, ECF No. 4128, at 4 ("The
21 Discovery Protocol (ECF No 1128), requires parties to coordinate discovery and not file
22 duplicative discovery. . . . The benefit redounds to all parties on both sides of the litigation, by
23 conserving the efforts required by Plaintiffs and protecting defendants against unnecessary
24 duplication of effort.") (Report and Recommendation adopted in full at ECF No. 4256). Plaintiffs'
25 request is duplicative, in part or in whole, of the following discovery requests: Interrogatory No. 7
26 of Indirect Purchaser Plaintiffs' First Set of Interrogatories; Interrogatory Nos. 17-20 of Direct
27 Purchaser Plaintiffs' First Set of Interrogatories; and, Interrogatory Nos. 16-23 of Direct
28 Purchaser Plaintiffs Arch Electronics, Inc.'s First Set of Interrogatories to Irico Group

1 Corporation and Irico Display Devices Co., Ltd.

2 Subject to and without waiving the foregoing objections, Irico responds as follows:

3 **INTERROGATORY RESPONSE AS TO IRICO'S SECOND DEFENSE**

4 Plaintiffs' claims for any foreign purchases, if any, should be dismissed to the extent that
5 they are barred, in whole or in part, because Plaintiffs have failed to allege facts sufficient to
6 support a claim under the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a.

7 **RESPONSE**

8 Irico further objects that this Interrogatory is premature given that no Irico witnesses have
9 been deposed relating to merits issues and expert analysis and disclosures have not yet begun. *See*
10 *Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irico
11 also objects to this interrogatory on the ground that it calls for a legal argument or legal
12 conclusion. Irico further objects to this interrogatory to the extent that it improperly tries to shift
13 the pleading and evidentiary burden that Plaintiffs alone carry to Irico.

14 Subject to and without waiving the objections stated above, Irico contends that Plaintiffs
15 have failed to allege facts sufficient to support a claim under the Foreign Trade Antitrust
16 Improvements Act ("FTAIA"), 15 U.S.C. § 6a. At all relevant times, the North American CRT
17 market was unique and separate from other foreign markets, including China. In supporting its
18 claims, Plaintiffs rely on alleged meetings and communications that occurred outside the United
19 States that discuss and relate to CRTs sold outside the United States. Plaintiffs have not
20 established how it is entitled to any relief under FTAIA based on their purchases of either CRT
21 products outside of the United States or their purchase of CRT products containing CRTs
22 manufactured and/or purchased outside the United States. Irico also identifies the following
23 evidence under FRCP 33(d): Irico Group Corporation's Amended Motion to Dismiss Claims of
24 Indirect Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)),
25 March 19, 2019; Irico Display Devices Co., Ltd.'s Amended Motion to Dismiss Claims of
26 Indirect Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)),
27 March 19, 2019; Irico Defendants' Reply in Support of Amended Motions to Dismiss Claims of
28 Indirect Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)),

1 May 13, 2019.

2 **SUPPLEMENTAL RESPONSE**

3 Irico further objects that this Interrogatory is premature given that no Irico witnesses have
 4 been deposed relating to merits issues. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL
 5 9558055 (N.D. Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it
 6 calls for a legal argument or legal conclusion. Irico further objects to this interrogatory to the
 7 extent that it improperly tries to shift the pleading and evidentiary burden that Plaintiffs alone
 8 carry to Irico. Irico does not intend, and its Response should not be construed as, an agreement or
 9 acquiescence as to the admissibility of any document or fact contained in or implied by Irico's
 10 Response.

11 Subject to and without waiving the objections stated above, Irico contends that Plaintiffs
 12 have failed to allege facts sufficient to support a claim under the Foreign Trade Antitrust
 13 Improvements Act ("FTAIA"), 15 U.S.C. § 6a. At all relevant times, the North American CRT
 14 market was unique and separate from other foreign markets, including China. In supporting its
 15 claims, Plaintiffs rely on alleged meetings and communications that occurred outside the United
 16 States that discuss and relate to CRTs sold outside the United States. Plaintiffs have not
 17 established how it is entitled to any relief under FTAIA based on their purchases of either CRT
 18 products outside of the United States or their purchase of CRT products containing CRTs
 19 manufactured and/or purchased outside the United States. Irico also identifies the following
 20 evidence: Am. Wang. Decl. in Support of FSIA MTD (March 19, 2019); Clarke Decl. in Support
 21 of FSIA MTD (March 19, 2019); Am. Plunkett Decl in Support of FSIA MTD (March 19, 2019);
 22 Irico Group Corporation's Amended Motion to Dismiss Claims of Direct Purchaser Plaintiffs for
 23 Lack of Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)), March 19, 2019; Irico Display
 24 Devices Co., Ltd.'s Amended Motion to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of
 25 Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)), March 19, 2019; Irico Defendants' Reply in
 26 Support of Amended Motions to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of
 27 Subject Matter Jurisdiction (Fed. R. Civ. P. 12(b)(1)), May 2, 2019; Deposition of Woong Rae
 28 Kim (SDI, July 1-2, 2014), 386:15-387:21; Deposition of Kyung Chul Oh (SDI, November 19-22,

2013), pp. 229:18-231:13; Deposition of Dae Eui Lee (SDI, January 16-18, 2013), p. 80:2-82:6; Deposition of Sheng-Jen Yang (Chunghwa, February 22, 25-26, 2013), pp. 440:16-24; Deposition of Kazutaka Nishimura (Toshiba/MTPD, June 10-12, 2014), pp. 136:21-137:15, 353:18-354:7, 385:21-386:22; HEDUS-CRT00126016; CHU00029131E; CHU00030665E; CHU00029171E; CHU00029191E; CHU00036410E; CHU00029131E; CHU00029179E; SDCRT-0002520E; CHU00030537E; SDCRT-0091491; SDCRT-0005852

INTERROGATORY RESPONSE AS TO IRICO'S THIRD DEFENSE

Plaintiffs' claims and the claims of any putative class members are barred, in whole or in part, because the alleged conduct of [Group or Display] that is the subject of the Complaint either occurred outside the jurisdiction of the Court or was neither directed to nor affected persons, entities, trade or commerce in the United States, or both.

RESPONSE

Irico further objects that this Interrogatory is premature given that no Irico witnesses have been deposed relating to merits issues and expert analysis and disclosures have not yet begun. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion. Irico further objects to this interrogatory to the extent that it improperly tries to shift the pleading and evidentiary burden that Plaintiffs alone carry to Irico.

Subject to and without waiving the objections stated above, and despite the Interrogatory's demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence has been brought in the above captioned matter that indicates that Irico manufactured, sold, or distributed CRTs in the United States during the class period. In particular, Irico will be producing compilations of its sales records that demonstrate that Irico did not sell CRTs to the United States. Irico also identifies the following evidence under FRCP 33(d): Direct Purchaser Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, July 14, 2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories, January 7, 2022; Irico Defendants' Third Supplemental

1 Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Interrogatories, January 7,
 2 2022; Irco Defendants' Supplemental Objections and Responses to Indirect Purchaser Plaintiffs'
 3 Third Set of Interrogatories to Irco Group Corporation and Irco Display Devices Co., Ltd.,
 4 January 21, 2022; Rule 30(b)(6) Deposition of Irco Group Corp. and Irco Display Devices Co.,
 5 Ltd., March 6-8, 2019.

6 Irco identifies the following persons with knowledge regarding this Interrogatory: Wang
 7 Zhaojie and Su Xiaohua.

8 **SUPPLEMENTAL RESPONSE**

9 Irco further objects that this Interrogatory is premature given that no Irco witnesses have
 10 been deposed relating to merits issues. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL
 11 9558055 (N.D. Cal. May 19, 2011). Irco also objects to this interrogatory on the ground that it
 12 calls for a legal argument or legal conclusion. Irco further objects to this interrogatory to the
 13 extent that it improperly tries to shift the pleading and evidentiary burden that Plaintiffs alone
 14 carry to Irco. Irco does not intend, and its Response should not be construed as, an agreement or
 15 acquiescence as to the admissibility of any document or fact contained in or implied by Irco's
 16 Response.

17 Subject to and without waiving the objections stated above, and despite the Interrogatory's
 18 demand for proof of facts and evidence of events that did not take place, Irco asserts no evidence
 19 has been brought in the above captioned matter that indicates that Irco manufactured, sold, or
 20 distributed CRTs in the United States during the class period. In particular, Irco has produced
 21 summaries of its sales records that demonstrate that Irco did not sell CRTs to the United States.
 22 See Summary of Invoice Records produced by Irco on June 2, 2022. Irco also identifies the
 23 following evidence: Am. Wang. Decl. in Support of FSIA MTD, ¶¶ 12, 16-17 (March 19, 2019);
 24 Direct Purchaser Plaintiffs' Supplemental Objections and Responses to Defendants Irco Group
 25 Corp. and Irco Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser
 26 Plaintiffs, July 14, 2021; Irco Defendants' Sixth Supplemental Objections and Responses to
 27 Direct Purchaser Plaintiffs' First Set of Interrogatories, at 17-18, 20-21, January 7, 2022; Irco
 28 Defendants' Third Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' First

1 Set of Interrogatories, January 7, 2022; Irico Defendants' Supplemental Objections and
 2 Responses to Indirect Purchaser Plaintiffs' Third Set of Interrogatories to Irico Group Corporation
 3 and Irico Display Devices Co., Ltd., at 11-13, January 21, 2022; Wang Dep. Tr. (March 6, 2019)
 4 94:3-97:1; 107:6-14; 109:2-12.

5 Irico identifies the following persons with knowledge regarding this Interrogatory: Wang
 6 Zhaojie and Yan Yunlong.

7 **INTERROGATORY RESPONSE AS TO IRICO'S EIGHTH DEFENSE**

8 Plaintiffs' claims and the claims of any putative class members are barred, in whole or in
 9 part, because the actions or practices of [Group or Display] that are the subject of the Complaint
 10 were undertaken unilaterally for legitimate business reasons and in pursuit of [Group or
 11 Display]'s independent interests and those of its customers, and were not the product of any
 12 contract, combination or conspiracy between Group and any other person or entity.

13 **RESPONSE**

14 Irico further objects that this Interrogatory is premature given that no Irico witnesses have
 15 been deposed relating to merits issues and expert analysis and disclosures have not yet begun. *See*
 16 *Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irico
 17 also objects to this interrogatory on the ground that it calls for a legal argument or legal
 18 conclusion.

19 Subject to and without waiving the objections stated above, Irico contends that its acts or
 20 practices were undertaken unilaterally for legitimate business reasons and in pursuit of Irico's
 21 independent interests. In addition, Irico asserts no evidence has been brought in the above
 22 captioned matter that indicates that its actions were not undertaken unilaterally for legitimate
 23 business reasons and in pursuit of Irico's independent interests. Pursuant to Rule 33(d) of the
 24 Federal Rules of Civil Procedure, Irico relies on the following evidence to support its contention
 25 that at all times its acts or practices were undertaken unilaterally for legitimate business reasons
 26 and in pursuit of Irico's independent interests: Reply Brief of Irico In Support of Motion to Set
 27 Aside Default at 10-11, ECF No. 5229; Exs. A – F to the Declaration of Stuart C. Plunkett in
 28 Support of Motion to Set Aside Default, ECF Nos. 5229-02 through -07; IRI-CRT-00010133;

1 IRI-CRT-00010449; IRI-CRT-00010468; IRI-CRT-00026812; IRI-CRT-00030226; IRI-CRT-
 2 00030865; IRI-CRT-00031457; BMCC-CRT000002761; BMCC-CRT000002762;
 3 CHU00029175E; CHU00029179E; CHU00029259E; CHU00030067E; CHU00030777E;
 4 CHU00030941E; CHU00030973E; CHU00031018E; CHU00031032; CHU00031044E; and,
 5 CHU00031070E.

6 Irico further contends that Irico's pricing-related conduct was compelled by the Chinese
 7 government and based on duly enacted laws and/or regulations of the People's Republic of China.

8 Irico relies on the following evidence to support this contention:

- 9 • The State Planning Commission and the State Economic and Trade Commission
 10 issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced
 11 Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the
 12 Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF
 13 No. 5229-02.
- 14 • Notice of the State Planning Commission on Issuing the "Measures for the
 15 Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial
 16 Implementation)" – effective as of March 1, 1999. *See*
 17 <https://law.lawtime.cn/d448076453170.html>.
- 18 • Notice of the State Planning Commission and the Ministry of Information Industry
 19 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
 20 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
 21 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
 22 Default, ECF No. 5229-03.
- 23 • Notice on submitting cost information of color TV and color tube industry issued
 24 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
 25 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05.
- 26 • Notice on the issuance of the average production cost of some types of color
 27 picture tubes and color TV industries issued by the Ministry of Information
 28 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to

1 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
2 ECF No. 5229-04.

- 3 • Notice on the issuance of the average production cost of certain types of color TV
4 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
5 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
6 Default, ECF No. 5229-06.
- 7 • Notice on the issuance of the average production cost of some industries of color
8 picture tubes issued by the Ministry of Information Industry on September 14,
9 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to
10 Set Aside Default, ECF No. 5229-07.

11 Irico identifies the following employees as having knowledge regarding this Interrogatory:
12 Wang Zhaojie and Su Xiaohua.

13 **SUPPLEMENTAL RESPONSE**

14 Irico further objects that this Interrogatory is premature given that no Irico witnesses have
15 been deposed relating to merits issues. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL
16 9558055 (N.D. Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it
17 calls for a legal argument or legal conclusion. Irico also objects to this interrogatory to the extent
18 that it attempts to ascribe an unlawful or anticompetitive purpose to Irico contacts with CRT
19 manufacturers that were mere exchanges of information, which are lawful in the absence of
20 additional evidence that an agreement to engage in unlawful conduct resulted from, or was a part
21 of, the information exchange. *See USA v. Penn et al* (Doc no. 1232, at ¶ 21, D. Colo. 1:20-cr-
22 00152-PAB). Irico does not intend, and its Response should not be construed as, an agreement or
23 acquiescence as to the admissibility of any document or fact contained in or implied by Irico's
24 Response.

25 Subject to and without waiving the objections stated above, Irico contends that its acts or
26 practices were undertaken unilaterally for legitimate business reasons and in pursuit of Irico's
27 independent interests. In addition, Irico asserts no evidence has been brought in the above
28 captioned matter that indicates that its actions were not undertaken unilaterally for legitimate

business reasons and in pursuit of Irico's independent interests. Subject to and without waiving the foregoing objections, Irico identifies the following evidence: Expert Report of Robert D. Willig at ¶ 8, December 17, 2012; Expert Report of Robert D. Willig at ¶¶ 57-61, August 5, 2014; Expert Report of Margaret E. Guerin-Calvert at ¶¶ 90-98, August 5, 2014; Expert Report of Prof. Dennis W. Carlton at ¶¶ 64, 68, August 5, 2014; Wang Dep. Tr. (Mar. 8, 2019), at 43:5-15, 57:8-10, 64:14-21, 75:7-11; Reply Brief of Irico In Support of Motion to Set Aside Default at 10-11, ECF No. 5229; Exs. A – F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF Nos. 5229-02 through -07; Irico Response to Plaintiffs' Conspiracy Proffer to Special Master at 2-8, (April 11, 2022); BMCC-CRT000113367; BMCC-CRT000113368; BMCC-CRT000113372; BMCC-CRT000113374; BMCC-CRT000113378; BMCC-CRT000113379; BMCC-CRT000113380; BMCC-CRT000113381; BMCC-CRT000113382;; BMCC-CRT000113389; BMCC-CRT000113392; BMCC-CRT000113393; BMCC-CRT000113394; BMCC-CRT000113395 to 416. Irico further identifies the following evidence under FRCP 33(d): IRI-CRT-00010133; IRI-CRT-00010449; IRI-CRT-00010468; IRI-CRT-00026812; IRI-CRT-00030226; IRI-CRT-00030865; IRI-CRT-00031457; IRI-CRT-00004673; IRI-CRT-00008191; IRI-CRT-00008248; IRI-CRT-00008664; IRI-CRT-00018191; IRI-CRT-00024165; IRI-CRT-00024204; IRI-CRT-00024613.

Irico further contends that Irico's pricing-related conduct was compelled by the Chinese government and based on duly enacted laws and/or regulations of the People's Republic of China. Irico relies on the following evidence to support this contention:

- The State Planning Commission and the State Economic and Trade Commission issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-02; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- Notice of the State Planning Commission on Issuing the "Measures for the Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial Implementation)" – effective as of March 1, 1999. *See*

1 <https://law.lawtime.cn/d448076453170.html>; Expert Report of Donald Clarke at ¶¶
2 6-7, March 16, 2022.

- 3 • Notice of the State Planning Commission and the Ministry of Information Industry
4 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
5 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
6 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
7 Default, ECF No. 5229-03; Expert Report of Donald Clarke at ¶¶ 6-7, March 16,
8 2022.
- 9 • Notice on submitting cost information of color TV and color tube industry issued
10 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
11 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05;
12 Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- 13 • Notice on the issuance of the average production cost of some types of color
14 picture tubes and color TV industries issued by the Ministry of Information
15 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
16 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
17 ECF No. 5229-04; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- 18 • Notice on the issuance of the average production cost of certain types of color TV
19 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
20 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
21 Default, ECF No. 5229-06; Expert Report of Donald Clarke at ¶¶ 6-7, March 16,
22 2022.
- 23 • Notice on the issuance of the average production cost of some industries of color
24 picture tubes issued by the Ministry of Information Industry on September 14,
25 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to
26 Set Aside Default, ECF No. 5229-07; Expert Report of Donald Clarke at ¶¶ 6-7,
27 March 16, 2022.

28 Irico identifies the following employees as having knowledge regarding this Interrogatory:

1 Wang Zhaojie and Yan Yunlong.

2 **INTERROGATORY RESPONSE AS TO IRICO'S TENTH DEFENSE**

3 Plaintiffs' claims and claims of any putative class members are barred, in whole or in part,
4 because any acts or practices of [Group or Display] that are the subject of the Complaint were
5 cost justified or otherwise economically justified and resulted from a good faith effort to meet
6 competition or market conditions.

7 **RESPONSE**

8 Irico further objects that this Interrogatory is premature given that no Irico witnesses have
9 been deposed relating to merits issues and expert analysis and disclosures have not yet begun. *See*
10 *Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irico
11 also objects to this interrogatory on the ground that it calls for a legal argument or legal
12 conclusion.

13 Subject to and without waiving the objections stated above, Irico contends that its acts or
14 practices were cost justified or otherwise economically justified, and resulted from a good faith
15 effort to meet competition or market conditions. In addition, Irico asserts no evidence has been
16 brought in the above captioned matter that indicates any action or practice of Irico was not cost
17 justified, otherwise economically justified, or did not result from a good faith effort to meet
18 competition or market conditions. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure,
19 Irico relies on the following evidence to support its contention that at all times its acts or practices
20 were cost justified or otherwise economically justified, and resulted from a good faith effort to
21 meet competition or market conditions: Reply Brief of Irico In Support of Motion to Set Aside
22 Default at 10-11, ECF No. 5229; Exs. A – F to the Declaration of Stuart C. Plunkett in Support of
23 Motion to Set Aside Default, ECF Nos. 5229-02 through -07; IRI-CRT-00010133; IRI-CRT-
24 00010449; IRI-CRT-00010468; IRI-CRT-00026812; IRI-CRT-00030226; IRI-CRT-00030865;
25 IRI-CRT-00031457; BMCC-CRT000002761; BMCC-CRT000002762; CHU00029175E;
26 CHU00029179E; CHU00029259E; CHU00030067E; CHU00030777E; CHU00030941E;
27 CHU00030973E; CHU00031018E; CHU00031032; CHU00031044E; and, CHU00031070E.

1 Irico identifies the following employees as having knowledge regarding this Interrogatory: Wang
2 Zhaojie and Su Xiaohua.

3 **SUPPLEMENTAL RESPONSE**

4 Irico further objects that this Interrogatory is premature given that no Irico witnesses have
5 been deposed relating to merits issues. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL
6 9558055 (N.D. Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it
7 calls for a legal argument or legal conclusion. Irico does not intend, and its Response should not
8 be construed as, an agreement or acquiescence as to the admissibility of any document or fact
9 contained in or implied by Irico's Response.

10 Subject to and without waiving the objections stated above, Irico contends that its acts or
11 practices were cost justified or otherwise economically justified, and resulted from a good faith
12 effort to meet competition or market conditions. In addition, Irico asserts no evidence has been
13 brought in the above captioned matter that indicates any action or practice of Irico was not cost
14 justified, otherwise economically justified, or did not result from a good faith effort to meet
15 competition or market conditions. Subject to and without waiving the foregoing objections, Irico
16 identifies the following evidence: Expert Report of Robert D. Willig at ¶ 8, December 17, 2012;
17 Expert Report of Robert D. Willig at ¶¶ 57-61, August 5, 2014; Expert Report of Margaret E.
18 Guerin-Calvert at ¶¶ 90-98, August 5, 2014; Expert Report of Prof. Dennis W. Carlton at ¶¶ 64,
19 68, August 5, 2014; Wang Dep. Tr. (Mar. 8, 2019), at 43:5-15, 57:8-10, 64:14-21, 75:7-11; Reply
20 Brief of Irico In Support of Motion to Set Aside Default at 10-11, ECF No. 5229; Exs. A – F to
21 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF Nos. 5229-
22 02 through -07; Irico Response to Plaintiffs' Conspiracy Proffer to Special Master at 2-8, (April
23 11, 2022); BMCC-CRT000113367; BMCC-CRT000113368; BMCC-CRT000113372; BMCC-
24 CRT000113374; BMCC-CRT000113378; BMCC-CRT000113379; BMCC-CRT000113380;
25 BMCC-CRT000113381; BMCC-CRT000113382; BMCC-CRT000113389; BMCC-
26 CRT000113392; BMCC-CRT000113393; BMCC-CRT000113394; BMCC-CRT000113395 to
27 416. Irico further identifies the following evidence under FRCP 33(d): IRI-CRT-00010133; IRI-
28 CRT-00010449; IRI-CRT-00010468; IRI-CRT-00026812; IRI-CRT-00030226; IRI-CRT-

00030865; IRI-CRT-00031457; IRI-CRT-00004673; IRI-CRT-00008191; IRI-CRT-00008248; IRI-CRT-00008664; IRI-CRT-00018191; IRI-CRT-00024165; IRI-CRT-00024204; IRI-CRT-00024613.

Irigo further contends that Irigo's pricing-related conduct was compelled by the Chinese government and based on duly enacted laws and/or regulations of the People's Republic of China. Irigo relies on the following evidence to support this contention:

- The State Planning Commission and the State Economic and Trade Commission issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-02; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- Notice of the State Planning Commission on Issuing the "Measures for the Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial Implementation)" – effective as of March 1, 1999. *See* <https://law.lawtime.cn/d448076453170.html>; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- Notice of the State Planning Commission and the Ministry of Information Industry on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex. B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-03; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- Notice on submitting cost information of color TV and color tube industry issued by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- Notice on the issuance of the average production cost of some types of color picture tubes and color TV industries issued by the Ministry of Information

Industry on April 2, 1999. See IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-04; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.

- Notice on the issuance of the average production cost of certain types of color TV industries issued by the Ministry of Information Industry on August 25, 2000. See Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-06; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- Notice on the issuance of the average production cost of some industries of color picture tubes issued by the Ministry of Information Industry on September 14, 2000. See Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-07; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.

Irigo identifies the following employees as having knowledge regarding this Interrogatory: Wang Zhaojie and Yan Yunlong.

INTERROGATORY RESPONSE AS TO IRICO'S ELEVENTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because the alleged conduct of [Group or Display] that is the subject of the Complaint was caused by, due to, based upon, or in response to directives, laws, regulations, policies, and/or acts of governments, governmental agencies and entities, and/or regulatory agencies, and such is non-actionable or privileged.

RESPONSE

Irigo further objects that this Interrogatory is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures have not yet begun. See *Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion.

Subject to and without waiving the objections stated above, Irigo contends that Irigo's pricing-related conduct was compelled by the Chinese government and based on duly enacted

1 laws and/or regulations of the People's Republic of China. Irico relies on the following evidence
2 to support this contention:

- 3 • The State Planning Commission and the State Economic and Trade Commission
4 issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced
5 Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the
6 Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF
7 No. 5229-02.
- 8 • Notice of the State Planning Commission on Issuing the "Measures for the
9 Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial
10 Implementation)" – effective as of March 1, 1999. *See*
11 <https://law.lawtime.cn/d448076453170.html>.
- 12 • Notice of the State Planning Commission and the Ministry of Information Industry
13 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
14 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
15 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
16 Default, ECF No. 5229-03.
- 17 • Notice on submitting cost information of color TV and color tube industry issued
18 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
19 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05.
- 20 • Notice on the issuance of the average production cost of some types of color
21 picture tubes and color TV industries issued by the Ministry of Information
22 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
23 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
24 ECF No. 5229-04.
- 25 • Notice on the issuance of the average production cost of certain types of color TV
26 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
27 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
28 Default, ECF No. 5229-06.

- Notice on the issuance of the average production cost of some industries of color picture tubes issued by the Ministry of Information Industry on September 14, 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-07.

Irigo identifies the following employees as having knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

SUPPLEMENTAL RESPONSE

Irigo further objects that this Interrogatory is premature given that no Irigo witnesses have been deposed relating to merits issues. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion. Irigo does not intend, and its Response should not be construed as, an agreement or acquiescence as to the admissibility of any document or fact contained in or implied by Irigo's Response.

Subject to and without waiving the objections stated above, Irigo contends that Irigo's pricing-related conduct was compelled by the Chinese government and based on duly enacted laws and/or regulations of the People's Republic of China. Irigo relies on the following evidence to support this contention:

- The State Planning Commission and the State Economic and Trade Commission issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-02; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- Notice of the State Planning Commission on Issuing the "Measures for the Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial Implementation)" – effective as of March 1, 1999. *See* <https://law.lawtime.cn/d448076453170.html>; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.

- 1 • Notice of the State Planning Commission and the Ministry of Information Industry
2 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
3 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
4 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
5 Default, ECF No. 5229-03; Expert Report of Donald Clarke at ¶¶ 6-7, March 16,
6 2022.
- 7 • Notice on submitting cost information of color TV and color tube industry issued
8 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
9 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05;
10 Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- 11 • Notice on the issuance of the average production cost of some types of color
12 picture tubes and color TV industries issued by the Ministry of Information
13 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
14 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
15 ECF No. 5229-04; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- 16 • Notice on the issuance of the average production cost of certain types of color TV
17 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
18 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
19 Default, ECF No. 5229-06; Expert Report of Donald Clarke at ¶¶ 6-7, March 16,
20 2022.
- 21 • Notice on the issuance of the average production cost of some industries of color
22 picture tubes issued by the Ministry of Information Industry on September 14,
23 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to
24 Set Aside Default, ECF No. 5229-07; Expert Report of Donald Clarke at ¶¶ 6-7,
25 March 16, 2022.

26 Irico identifies the following employees as having knowledge regarding this Interrogatory:
27 Wang Zhaojie and Yan Yunlong.
28

INTERROGATORY RESPONSE AS TO IRICO'S TWELFTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because the alleged conduct of [Group or Display] that is the subject of the Complaint was caused by or in response to duly enacted laws and/or regulations of the People's Republic of China and is therefore protected under the foreign sovereign compulsion doctrine, the act of state doctrine, and international comity.

RESPONSE

Irico further objects that this Interrogatory is premature given that no Irico witnesses have been deposed relating to merits issues and expert analysis and disclosures have not yet begun. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion.

Subject to and without waiving the objections stated above, Irico contends that Irico's pricing-related conduct was compelled by the Chinese government and based on duly enacted laws and/or regulations of the People's Republic of China. Irico relies on the following evidence to support this contention:

- The State Planning Commission and the State Economic and Trade Commission issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-02.
- Notice of the State Planning Commission on Issuing the "Measures for the Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial Implementation)" – effective as of March 1, 1999. *See* <https://law.lawtime.cn/d448076453170.html>.
- Notice of the State Planning Commission and the Ministry of Information Industry on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.

B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-03.

- Notice on submitting cost information of color TV and color tube industry issued by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05.
- Notice on the issuance of the average production cost of some types of color picture tubes and color TV industries issued by the Ministry of Information Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-04.
- Notice on the issuance of the average production cost of certain types of color TV industries issued by the Ministry of Information Industry on August 25, 2000. *See* Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-06.
- Notice on the issuance of the average production cost of some industries of color picture tubes issued by the Ministry of Information Industry on September 14, 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-07.

Irco identifies the following employees as having knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

SUPPLEMENTAL RESPONSE

Irco further objects that this Interrogatory is premature given that no Irco witnesses have been deposed relating to merits issues. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irco also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion. Irco does not intend, and its Response should not be construed as, an agreement or acquiescence as to the admissibility of any document or fact contained in or implied by Irco's Response.

1 Subject to and without waiving the objections stated above, Irico contends that Irico's
 2 pricing-related conduct was compelled by the Chinese government and based on duly enacted
 3 laws and/or regulations of the People's Republic of China. Irico relies on the following evidence
 4 to support this contention:

- 5 • The State Planning Commission and the State Economic and Trade Commission
 6 issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced
 7 Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the
 8 Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF
 9 No. 5229-02; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- 10 • Notice of the State Planning Commission on Issuing the "Measures for the
 11 Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial
 12 Implementation)" – effective as of March 1, 1999. *See*
 13 <https://law.lawtime.cn/d448076453170.html>; Expert Report of Donald Clarke at ¶¶
 14 6-7, March 16, 2022.
- 15 • Notice of the State Planning Commission and the Ministry of Information Industry
 16 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
 17 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
 18 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
 19 Default, ECF No. 5229-03; Expert Report of Donald Clarke at ¶¶ 6-7, March 16,
 20 2022.
- 21 • Notice on submitting cost information of color TV and color tube industry issued
 22 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
 23 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05;
 24 Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- 25 • Notice on the issuance of the average production cost of some types of color
 26 picture tubes and color TV industries issued by the Ministry of Information
 27 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
 28

the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-04; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.

- Notice on the issuance of the average production cost of certain types of color TV industries issued by the Ministry of Information Industry on August 25, 2000. *See* Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-06; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- Notice on the issuance of the average production cost of some industries of color picture tubes issued by the Ministry of Information Industry on September 14, 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-07; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.

Irigo identifies the following employees as having knowledge regarding this Interrogatory: Wang Zhaojie and Yan Yunlong.

INTERROGATORY RESPONSE AS TO IRICO'S FOURTEENTH DEFENSE

Plaintiffs' claims and claims of any putative class members are barred, in whole or in part, because any alleged injuries and/or damages were not legally or proximately caused by any acts or omissions of [Group or Display] and/or were caused, if at all, solely and proximately by the conduct of third parties including, without limitations, the prior, intervening or superseding conduct of such third parties.

RESPONSE

Irigo further objects that this Interrogatory is premature given that no Irigo witnesses have been deposed relating to merits issues and expert analysis and disclosures have not yet begun. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion.

Subject to and without waiving the objections stated above, Irigo contends that Irigo's pricing-related conduct was compelled by the Chinese government and based on duly enacted

1 laws and/or regulations of the People's Republic of China. Irico relies on the following evidence
2 to support this contention:

- 3 • The State Planning Commission and the State Economic and Trade Commission
4 issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced
5 Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the
6 Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF
7 No. 5229-02.
- 8 • Notice of the State Planning Commission on Issuing the "Measures for the
9 Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial
10 Implementation)" – effective as of March 1, 1999. *See*
11 <https://law.lawtime.cn/d448076453170.html>.
- 12 • Notice of the State Planning Commission and the Ministry of Information Industry
13 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
14 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
15 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
16 Default, ECF No. 5229-03.
- 17 • Notice on submitting cost information of color TV and color tube industry issued
18 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
19 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05.
- 20 • Notice on the issuance of the average production cost of some types of color
21 picture tubes and color TV industries issued by the Ministry of Information
22 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
23 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
24 ECF No. 5229-04.
- 25 • Notice on the issuance of the average production cost of certain types of color TV
26 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
27 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
28 Default, ECF No. 5229-06.

- Notice on the issuance of the average production cost of some industries of color picture tubes issued by the Ministry of Information Industry on September 14, 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-07.

Irigo identifies the following employees as having knowledge regarding this Interrogatory: Wang Zhaojie and Su Xiaohua.

SUPPLEMENTAL RESPONSE

Irigo further objects that this Interrogatory is premature given that no Irigo witnesses have been deposed relating to merits issues. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irigo also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion. Irigo does not intend, and its Response should not be construed as, an agreement or acquiescence as to the admissibility of any document or fact contained in or implied by Irigo's Response.

Subject to and without waiving the objections stated above, Irigo contends that Irigo's pricing-related conduct was compelled by the Chinese government and based on duly enacted laws and/or regulations of the People's Republic of China. Irigo relies on the following evidence to support this contention:

- The State Planning Commission and the State Economic and Trade Commission issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-02; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- Notice of the State Planning Commission on Issuing the "Measures for the Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial Implementation)" – effective as of March 1, 1999. *See* <https://law.lawtime.cn/d448076453170.html>; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.

- 1 • Notice of the State Planning Commission and the Ministry of Information Industry
2 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
3 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
4 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
5 Default, ECF No. 5229-03; Expert Report of Donald Clarke at ¶¶ 6-7, March 16,
6 2022.
- 7 • Notice on submitting cost information of color TV and color tube industry issued
8 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
9 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05;
10 Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- 11 • Notice on the issuance of the average production cost of some types of color
12 picture tubes and color TV industries issued by the Ministry of Information
13 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
14 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
15 ECF No. 5229-04; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- 16 • Notice on the issuance of the average production cost of certain types of color TV
17 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
18 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
19 Default, ECF No. 5229-06; Expert Report of Donald Clarke at ¶¶ 6-7, March 16,
20 2022.
- 21 • Notice on the issuance of the average production cost of some industries of color
22 picture tubes issued by the Ministry of Information Industry on September 14,
23 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to
24 Set Aside Default, ECF No. 5229-07; Expert Report of Donald Clarke at ¶¶ 6-7,
25 March 16, 2022.

26 Irico identifies the following employees as having knowledge regarding this Interrogatory:
27 Wang Zhaojie and Yan Yunlong.
28

INTERROGATORY RESPONSE AS TO IRICO'S SEVENTEENTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, to the extent they are based on alleged acts, conduct or statements that are specifically permitted by law.

RESPONSE

Irico further objects that this Interrogatory is premature given that no Irico witnesses have been deposed relating to merits issues and expert analysis and disclosures have not yet begun. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL 9558055 (N.D. Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it calls for a legal argument or legal conclusion.

Subject to and without waiving the objections stated above, Irico contends that Irico's pricing-related conduct was compelled by the Chinese government and based on duly enacted laws and/or regulations of the People's Republic of China. Irico relies on the following evidence to support this contention:

- The State Planning Commission and the State Economic and Trade Commission issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-02.
- Notice of the State Planning Commission on Issuing the "Measures for the Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial Implementation)" – effective as of March 1, 1999. *See* <https://law.lawtime.cn/d448076453170.html>.
- Notice of the State Planning Commission and the Ministry of Information Industry on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex. B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-03.

- 1 • Notice on submitting cost information of color TV and color tube industry issued
- 2 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
- 3 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05.
- 4 • Notice on the issuance of the average production cost of some types of color
- 5 picture tubes and color TV industries issued by the Ministry of Information
- 6 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
- 7 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
- 8 ECF No. 5229-04.
- 9 • Notice on the issuance of the average production cost of certain types of color TV
- 10 industries issued by the Ministry of Information Industry on August 25, 2000. *See*
- 11 Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
- 12 Default, ECF No. 5229-06.
- 13 • Notice on the issuance of the average production cost of some industries of color
- 14 picture tubes issued by the Ministry of Information Industry on September 14,
- 15 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to
- 16 Set Aside Default, ECF No. 5229-07.

17 Irico identifies the following employees as having knowledge regarding this Interrogatory: Wang
18 Zhaojie and Su Xiaohua.

19 **SUPPLEMENTAL RESPONSE**

20 Irico further objects that this Interrogatory is premature given that no Irico witnesses have
21 been deposed relating to merits issues. *See Young v. Regis Corp.*, No. C 10-02634 SI, 2011 WL
22 9558055 (N.D. Cal. May 19, 2011). Irico also objects to this interrogatory on the ground that it
23 calls for a legal argument or legal conclusion. Irico does not intend, and its Response should not
24 be construed as, an agreement or acquiescence as to the admissibility of any document or fact
25 contained in or implied by Irico's Response.

26 Subject to and without waiving the objections stated above, Irico contends that Irico's
27 pricing-related conduct was compelled by the Chinese government and based on duly enacted
28

1 laws and/or regulations of the People's Republic of China. Irico relies on the following evidence
2 to support this contention:

- 3 • The State Planning Commission and the State Economic and Trade Commission
4 issued the "Regulations on Preventing Unfair Price Behavior of Low-Priced
5 Dumping of Industrial Products" – effective as of Nov. 25, 1998. *See* Ex. A to the
6 Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF
7 No. 5229-02; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- 8 • Notice of the State Planning Commission on Issuing the "Measures for the
9 Determination of the Cost of Dumping Industrial Products at Low Prices (for Trial
10 Implementation)" – effective as of March 1, 1999. *See*
11 <https://law.lawtime.cn/d448076453170.html>; Expert Report of Donald Clarke at ¶¶
12 6-7, March 16, 2022.
- 13 • Notice of the State Planning Commission and the Ministry of Information Industry
14 on the Trial Measures to Stop Unfair Price Competition of Color Picture Tubes and
15 Color TVs – effective as of April 1, 1999. *See* IRI-CRT-00031457 at 1460-64; Ex.
16 B to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside
17 Default, ECF No. 5229-03; Expert Report of Donald Clarke at ¶¶ 6-7, March 16,
18 2022.
- 19 • Notice on submitting cost information of color TV and color tube industry issued
20 by the Ministry of Information Industry in 1999. *See* Ex. D to the Declaration of
21 Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-05;
22 Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- 23 • Notice on the issuance of the average production cost of some types of color
24 picture tubes and color TV industries issued by the Ministry of Information
25 Industry on April 2, 1999. *See* IRI-CRT-00031457 at 1459-60, 1466-67; Ex. C to
26 the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default,
27 ECF No. 5229-04; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.

- Notice on the issuance of the average production cost of certain types of color TV industries issued by the Ministry of Information Industry on August 25, 2000. *See* Ex. E to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-06; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.
- Notice on the issuance of the average production cost of some industries of color picture tubes issued by the Ministry of Information Industry on September 14, 2000. *See* Ex. F to the Declaration of Stuart C. Plunkett in Support of Motion to Set Aside Default, ECF No. 5229-07; Expert Report of Donald Clarke at ¶¶ 6-7, March 16, 2022.

Irico identifies the following employees as having knowledge regarding this Interrogatory: Wang Zhaojie and Yan Yunlong.

INTERROGATORY NO. 8

If Your response to any of the IPPs' Requests for Admissions served concurrently herewith is anything other than an unqualified admission:

- a. State all facts supporting Your denial;
- b. Identify each Person who provided facts relating to Your response;
- c. Identify each Document You consulted to formulate Your response

RESPONSE TO INTERROGATORY NO. 8

Irico reasserts and incorporates each of the General Objections and Objections to the Definitions and Instructions set forth above. Irco also reasserts and incorporates each of the General Objections, Objections to the Definitions and Instructions, and objections in each of its Specific Responses to Requests for Admission as set forth in Irco Defendants' Objections and Responses to Indirect Purchaser Plaintiffs' First Set of Requests for Admission, served herewith. Irco further objects to this interrogatory as overbroad and unduly burdensome, as Plaintiffs has not demonstrated how the benefit of such information outweighs the significant burden to Irco of responding to each denial of the 119 RFAs (including subparts) propounded by Plaintiffs.

Subject to and without waiving the foregoing objections, Irco responds as follows:

RESPONSE RE: REQUEST FOR ADMISSION NO. 16

1
2 Irico further objects to this Interrogatory on the grounds that it is overbroad, unduly
3 burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks
4 information that is maintained by and equally available to Plaintiffs or stated in publicly available
5 documents. Irico also objects to this Interrogatory on the grounds that it calls for a legal argument
6 or legal conclusion. Irico further objects to the use of the terms “unqualified” and “supporting”
7 because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly
8 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
9 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden
10 that Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to
11 provide facts and evidence of events that did not take place.

12 Subject to and without waiving its foregoing objections, Irico refers Plaintiffs to the
13 following evidence under FRCP 33(d): Irico Defendants’ Sixth Supplemental Objections and
14 Responses to Direct Purchaser Plaintiffs’ First Set of Interrogatories, January 7, 2022; Irico
15 Defendants’ Third Supplemental Objections and Responses to Indirect Purchaser Plaintiffs’ First
16 Set of Interrogatories, January 7, 2022; Irico Defendants’ Supplemental Objections and
17 Responses to Indirect Purchaser Plaintiffs’ Third Set of Interrogatories to Irico Group Corporation
18 and Irico Display Devices Co., Ltd., January 21, 2022; Rule 30(b)(6) Deposition of Irico Group
19 Corp. and Irico Display Devices Co., Ltd., March 6-8, 2019.

20 Irico identifies the following persons with knowledge regarding this Interrogatory: Wang
21 Zhaojie and Su Xiaohua.

SUPPLEMENTAL RESPONSE RE: REQUEST FOR ADMISSION NO. 16

23 Irico further objects to this Interrogatory on the grounds that it is overbroad, unduly
24 burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks
25 information that is maintained by and equally available to Plaintiffs or stated in publicly available
26 documents. Irico also objects to this Interrogatory on the grounds that it calls for a legal argument
27 or legal conclusion. Irico further objects to the use of the terms “unqualified” and “supporting”
28 because they are vague and ambiguous, rendering this Interrogatory overbroad, unduly

1 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Irico
2 also objects to this Interrogatory to the extent it improperly tries to shift the evidentiary burden that
3 Plaintiffs alone carry to Irico. Irico further objects to this Interrogatory as it requests Irico to provide
4 facts and evidence of events that did not take place. Irico does not intend, and its Response should
5 not be construed as, an agreement or acquiescence as to the admissibility of any document or fact
6 contained in or implied by Irico's Response.

7 Subject to and without waiving the objections stated above, and despite the Interrogatory's
8 demand for proof of facts and evidence of events that did not take place, Irico asserts no evidence
9 has been brought in the above captioned matter that indicates that Irico manufactured, sold, or
10 distributed CRTs in the United States during the class period. In particular, Irico has produced
11 summaries of its sales records that demonstrate that Irico did not sell CRTs to the United States.
12 See Summary of Invoice Records produced by Irico on June 2, 2022. Irico also identifies the
13 following evidence: Am. Wang. Decl. in Support of FSIA MTD, ¶¶ 12, 16-17 (March 19, 2019);
14 Direct Purchaser Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group
15 Corp. and Irico Display Devices Co., Ltd.'s First Set of Interrogatories to Direct Purchaser
16 Plaintiffs, July 14, 2021; Irico Defendants' Sixth Supplemental Objections and Responses to Direct
17 Purchaser Plaintiffs' First Set of Interrogatories, at 17-18, 20-21, January 7, 2022; Irico Defendants'
18 Third Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' First Set of
19 Interrogatories, January 7, 2022; Irico Defendants' Supplemental Objections and Responses to
20 Indirect Purchaser Plaintiffs' Third Set of Interrogatories to Irico Group Corporation and Irico
21 Display Devices Co., Ltd., at 11-13, January 21, 2022; Wang Dep. Tr. (March 6, 2019) 94:3-97:1;
22 107:6-14; 109:2-12.

23 Irico identifies the following persons with knowledge regarding this Interrogatory: Wang
24 Zhaojie and Yan Yunlong.

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28 ///

1 Dated: September 1, 2022

BAKER BOTTS L.L.P.

2
3 /s/ John M. Taladay

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16
17 *Attorneys for Defendants*
18 *IRICO GROUP CORP. and*
19 *IRICO DISPLAY DEVICES CO., LTD.*
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DOCUMENT 15

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August 30, 2023

VIA E-MAIL [VRW@JUDGEWALKER.COM]

The Honorable Vaughn R. Walker
Law Office of Vaughn R. Walker
Four Embarcadero Center, Suite 2200
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Re: **In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Master
File No. 07-CV-944-JST/Plaintiffs' Motion for Sanctions/*In Camera*
Submission**

Dear Judge Walker:

Defendants Irico Group Corp. and Irico Display Devices Co., Ltd. (collectively, "Irico") write in response to Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs' ("Plaintiffs") letter submitted to Your Honor on August 22, 2023. Plaintiffs' letter purports to relate to the previously submitted motion for sanctions against Irico. Irico addresses the issues raised by Plaintiffs in their August 22 letter only, and otherwise rests on the factual and legal arguments made in its April 21, 2023 Opposition to Plaintiffs' Sanctions Motion ("Opp'n"), its accompanying briefing and oral arguments, and its Motion for Summary Judgment, ECF No. 6225.

Plaintiffs argue that the Irico Defendants are trying to "exploit gaps in the evidence created by its willful and near-total spoliation of relevant evidence," but this is misdirection. Rather, Plaintiffs opportunistically blame all faults in their claim against Irico, and their failure to develop sufficient evidentiary support, on alleged spoliation. Moreover, they seek to misuse this discovery sanctions process to persuade the Special Master to prevent a determination on the merits of the summary judgment motion, which Judge Tigar undoubtedly is able to undertake in light of all relevant facts and circumstances.

Most importantly, however, Plaintiffs' claims that Irico's summary judgment arguments would be undermined by spoliated evidence is not supported by the facts. To believe in Plaintiffs' grievance, in light of the massive amount of affirmative evidence that *does* exist in support of Irico's arguments, would require an extraordinary flight of fantasy and speculation. To assist Your Honor in understanding the unnecessary diversion presented by Plaintiffs' letter, Irico addresses each of Plaintiffs' claims in turn.

Irico's Lack of CRT Sales to the 20 Non-Contact States

Plaintiffs first suggest that they are prejudiced by Irico's failure to preserve documents regarding its communications with its customers because these documents "likely would have confirmed" Irico's communications with or about customers in the United States. Plaintiffs' Letter at 1. Plaintiffs claim this supposed evidence could help refute Irico's summary judgment argument

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- 2 -

that due process precludes the application of the laws of 20 Non-Contact States¹ to Irico. That assertion is not even plausible given the facts of the case.

First, Plaintiffs pretend that Irico preserved and produced no documents or ESI “showing communications with customers.” Plaintiffs’ Letter at 1. That is not the case. In fact, Irico preserved *all* of its invoices sent to customers from the relevant time period. From these records, Irico prepared and produced to Plaintiffs detailed charts created from its actual invoices detailing sales of CRTs. These spreadsheets included over 22,500 transactions by Irico entities with information on the date, customer, product, revenue, quantity, and, if applicable, *export destination for each transaction*. Tellingly, *not one* of these records identified a sale by Irico to the United States. Additionally, Irico produced two accounting databases used during the relevant time period, which enabled Plaintiffs to tie revenue line items to specific invoices and transactions. These databases further confirm that no Irico CRT sales were made to the United States. Thus, Irico provided extensive and detailed records that respond to, and undermine, the very point about which Plaintiffs complain. This is hardly surprising: as Plaintiffs’ own expert acknowledges, Irico’s major customers were Chinese manufacturers, not U.S. customers. *See* Netz Decl. at 109 (IPPs’ expert acknowledging that *all* of Irico’s major customers were Chinese TV manufacturers), ECF No. 1527. Irico Electronics’ 2010 Interim Report corroborates this finding as Irico’s internal investigation brought on by this litigation at the time found that “Irico Display have [sic] not sold any CRT products in the market of the USA since 1995.” Ex. A at 22. None of the other significant discovery produced by Irico warrants a contrary inference. This additional discovery includes large volumes of documents from Irico archives, interrogatory responses, and deposition of five Irico employees (three of whom who worked at Irico during the relevant period), including a 30(b)(6) designee. In all of this, there is not a suggestion that runs contrary to the extensive, detailed evidence produced by Irico that shows no contact with the Non-Contact states.

Second, Plaintiffs also ignore the mountain of evidence obtained from third-party customers of CRTs, which further demonstrates that Irico made no sales in any of the Non-Contact States. Bear in mind that the Irico defendants produced and sold CRTs, not CRT products like TVs and monitors. Thus, their sales would have been made to (few) manufacturers of CRT products, not (many) retailers or end consumers. These “direct purchaser” customers of CRTs, many of whom opted out to bring their own cases as Direct Action Plaintiffs (but almost none of whom manufactured CRT products in the Non-Contact states), were the object of extensive discovery in this case. And, of course, one of the central questions in the discovery was “from whom did you buy CRTs?”²

¹ The 20 Non-Contact States are Arizona, the District of Columbia, Florida, Hawaii, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Nebraska, New Mexico, New York, North Carolina, North Dakota, South Dakota, Tennessee, Vermont, West Virginia, and Wisconsin (collectively, “Non-Contact States”). *See* ECF No. 6225 at 6.

² As noted by Plaintiffs’ expert witness, “Cartel members accounted for at least 85% of CPT and CDT sales” and, as Plaintiffs frequently tout, the large majority of CRTs purchased by U.S. customers were made by integrated subsidiaries of the other defendant manufacturers of CRTs.

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In fact, Plaintiffs issued dozens of subpoenas seeking CRT purchase data directed to third party and direct action plaintiffs who manufactured and/or purchased CRTs, televisions and monitors as well as vertically integrated defendants who sold CRT finished products. *See, e.g.*, Exs. B³; C⁴, D⁵. These subpoenas provided Plaintiffs a staggering amount of transaction-level data for the entire relevant period for all televisions, computer monitors, and CRTs purchased and sold that were either shipped to a U.S. location or billed to a customer in the U.S., including data on the manufacturer of those products purchased and sold. *See* Exs. C, D. Yet, Plaintiffs fail to mention these gigabytes of data in their possession. This omission was likely no accident as the purchase and sales data collected from these parties revealed ***no instance of an Irico CRT that was sold***, or incorporated into products sold, to consumers in the United States, let alone a Non-Contact state. Therefore, Plaintiffs' claim that any allegedly lost Irico documents will somehow miraculously provide support for their summary judgment rebuttal as to the Non-Contact States, when no such documents exist in any other parties' files, is a fallacy that should be ignored.

Plaintiffs also had unlimited opportunity to depose CRT and finished product manufacturers and purchasers and failed to develop evidence of Irico CRTs destined for the U.S. In the hundreds of hours of questioning by Plaintiffs, however, there was not a single witness who testified as to having purchased an Irico CRT for sale to the United States—because no such sale exists. *See, e.g.*, Ex. E (Max Wasinger Dep. at 147:1-17) (an employee at Mitsubishi Electronics America, a vertically integrated maker that CRT finished products to U.S. retailers, testified to having never heard of Irico before); Werbel Decl., Ex. 1 (Yan Dep.) at 111:9-25, ECF No. 6226; 118:5-119:21, *Id.*, Ex. 3 (Wang Dep.) at 81:12-82:9 (Confirming that neither Group nor Display ever sold to the US)), *Id.*, Ex. 2 (Li Dep.) at 254:18-24 (same); *Id.*, Ex. 3 (Wang Dep.) at 346:15-348:6 (stating that Irico CDTs were never sold to the US).

Werbel Decl. Ex. 1 (Expert Report of Dr. Janet Netz) at 33 (“Cartel members accounted for at least 85% of CPT and CDT sales for years in which I have found reliable data (from 2000 through 2006 for CPTs and 1998 through 2006 for CDTs).”), ECF No. 6150. Indeed, the Direct Purchaser Plaintiffs legal standing is predicated in large part upon the fact that the other defendants sold their CRTs to downstream affiliated manufacturers of TVs and computer monitors and to one another.

³ IPPs' Notice of Subpoena to third parties includes a list of subpoenas served on Amazon.com, Inc., AOC, Arrow Electronics, BenQ USA Corp., Best Buy Co., Inc., Buy.com, CDW Corporation, Costco, Dell Inc., Envision Display, Fry's Electronics, Inc., Funai Corporation, Inc., Gateway, Inc., Iiyama North America, Inc., Ingram Micro Inc., NEC Display Solutions of America, Newegg.com, Nexgen, nowdirect.com, Office Depot, Office Max, PC Connection, PC Mall, Proview Technology, Inc., RadioShack Corporation, Sam's Club, Sanyo North America Corporation, Sharp Electronics Corporation, Sony Corporation of America, Staples, SYNAP, Tech Data Corporation, Tech Depot, Wal-Mart Stores, Inc., Zenith Corporation, and Zones.

⁴ Subpoena directed to Thomson Consumer Electronics, inc.

⁵ Subpoena directed to Mitsubishi Electric US, Inc.

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Admissions by the Plaintiffs *themselves* further confirm the lack of sales of Irico CRTs or sales of products containing Irico CRTs to consumers in the United States. IPPs have stipulated that none of the monitor or TV purchases upon which the class representatives base their claims contained a CRT manufactured by Irico. ECF No. 6267 at ¶ 25. Even more tellingly for Irico's summary judgment motion, DPPs have also stipulated that, of the 1,816 valid claim forms submitted by settlement class members in the DPP matter, *not one claim* involved the purchase of CRT manufactured by Irico. *See* Werbel Decl., Ex. 7 (DPP Discovery Response) at 5, ECF No. 6226.

Plaintiffs have developed a bountiful discovery record that unearthed comprehensive information on sales and purchases of CRTs by U.S. customers. These efforts would have revealed any evidence tying the Irico defendants to the Non-Contact States. The evidence fails to do so, and Plaintiffs and now ask the Special Master to join in their delusion of believing that allegedly missing Irico documents would counter the massive weight of contrary evidence – and believe it so deeply as to interfere with Judge Tigar's evaluation of the issues on the merits.

Irico's Lack of Participation in the Alleged Conspiracy Prior to August 5, 1998

Plaintiffs also boldly speculate that “[h]ad Irico's files and records been preserved, they would provide internal evidence of Irico's conduct” prior to August 5, 1998. Plaintiffs' Letter at 2. Unfortunately for Plaintiffs, that statement is directly contradicted by the affirmative evidence in this case. Indeed, Plaintiffs themselves must not believe it, because it is Plaintiffs' affirmative assertion *in their Complaint* that “[t]he Chinese Glass Meetings began in 1998.” *See* Indirect Purchaser Plaintiffs' Fifth Consolidated Amended Complaint at ¶ 150a, ECF No. 5589. The lack of any conceivable participation by Irico prior to 1998 is also confirmed by the evidentiary record.

As the Special Master is aware, many of CRT manufacturers were quite methodical in documenting their alleged meetings with others in the industry. This trove of information has allowed Plaintiffs to put forth submissions to the Court charting 1,100 examples of alleged incidents of competitor meetings and a separate chart of 81 documents compiled by Plaintiffs and ruled upon by Your Honor purporting to show Irico's participation in the alleged conspiracy. *See* Werbel Decl., Exs. 8, 11, ECF No. 6226. Yet none of these thousands of documents reliably demonstrate Irico's participation in the alleged conspiracy before August 5, 1998. Indeed, the hundreds of examples of purported meeting notes before this date reflect that Irico was *not present and had not yet been invited* to meet.

Notes produced from a July 31, 1998 meeting among CRT manufactures confirm that Irico did not attend this meeting but suggests, for the first time, that *Irico should be invited* to join discussions with other defendants. *See* Werbel Decl., Ex. 5 (CHU00030668) at -0668.01E, ECF No. 6226. And then, on August 5, 1998 Irico's name appears *for the first time* in the notes of a competitor meeting that conceivably could be construed as part of the alleged conspiracy. Thus, the clear implication is that Irico was not engaged in the meetings that Plaintiffs assert comprised the conspiracy before that time.

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Indeed, given the purported abundance of documents, so say Plaintiffs, detailing Irico's meetings with competitors after they were affirmatively invited to join the meeting on August 5, 1998, and the complete lack of documents that could be spun to tie Irico to the alleged conspiracy prior to August 5, 1998, Plaintiffs' argument that missing documents would somehow change history is plainly a far-fetched scenario.

Plaintiffs also ignore that Irico did produce files that further shine light on Irico's summary judgment arguments. Irico preserved and produced travel and expense records from the relevant time period, and Plaintiffs have utilized these records in an effort to corroborate Irico's attendance at competitor meetings. *See* Opp'n at 24. But again, none of these records reflect Irico's attendance at an improper meeting with a competitor prior to August 1998.

Plaintiffs have been unable to find reliable evidence of Irico's participation in the alleged conspiracy – including in the meticulous records created and maintained by the supposed coconspirators with whom Irico would have met – prior to August 5, 1998. Indeed, the record evidence affirmatively reflects the opposite. Yet, to make up for that shortcoming, Plaintiffs again pin their hopes on being able to convince the Special Master that, since they can't counter (or accept) the voluminous record of affirmative fact that already exists and the clear story it tells, contrary evidence must have been destroyed. There is no plausible basis on which to reach this conclusion.

Irico's International Comity Defense

Finally, Plaintiffs' argument that Irico's alleged failure to preserve documents that would have "shed light on how Irico actually determined the prices it would charge" somehow should preclude Irico's comity argument is similarly unavailing. Indeed, Plaintiffs' grievance does not impact Irico's motion. As explained in more detail in the Irico Defendants' Motion for Summary Judgment, ECF No. 6225 at 15-25, the conflict consideration of a comity analysis rests on "whether foreign law, ***taken at face value***, 'requires [the defendants] to act in some fashion prohibited by the law of the United States.'" *In Re: Vitamin C Antitrust Litigation*, 8 F.4th 136, 144–45 (2d Cir. 2021), *cert. denied*, 143 S. Ct. 85 (2022) (emphasis added). As the Second Circuit held in *Vitamin C*, "[e]xclusive attention to what foreign law facially requires makes sense in the context of international comity for several reasons" articulated in the Second Circuit's decision, including the purpose and aims of the doctrine. *Id.* at 146 (emphasis added); *see also id.* at 147 ("we look to the laws of each country in turn to determine whether, taking those laws at face value, a true conflict exists."); *id.* at 158 ("as we explained above, our international comity analysis focuses on whether Chinese law, taken at face value, requires the defendants to act in a way that violates U.S. law.").

With its timely expert disclosures and summary judgment motion, Irico has produced public versions of each of the Chinese laws and regulations, with undisputed expert authentication, on which Irico relies for its comity arguments. Werbel Decl. Exs. 56, 59-67, ECF No. 6226; Clarke Decl. in Support of Irico's Motion for Summary Judgment, ECF No. 6225-1.

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Contrary to Plaintiffs' argument, evidence of how Irico actually priced CRTs or implemented prices in response to the law does not change the comity analysis because, as the Second Circuit held in *Vitamin C*, comity "focus[es] on the foreign state rather than the defendants," and, even if a defendant's implementation of the price regulations was "imperfect," the comity doctrine is still implicated if the applicable Chinese law and regulations, "[t]aken at face value," create a "*prima facie* conflict between U.S. law and Chinese law." 8 F.4th at 146-47, 151 & n. 25, 152-53; *see also id.* at 158 n.36 ("we have reached the first conclusion on the basis of the regulations themselves ... we reach this conclusion in light of what Chinese law facially required rather than the Chinese regulatory program's track record of enforcement. Thus, we find a true conflict even though the defendants did not always reach or adhere to a coordinated market price."); ECF No. 6225 at 17.

Consequently, the conflict consideration of a comity analysis rests on the facial requirements of publicly available Chinese and U.S. regulations that Irico has produced to Plaintiffs to assess the degree of conflict between Chinese and U.S. law. Any evidence regarding Irico's pricing decisions therefore does not impact that analysis. Thus, there is no prejudicial impact on Plaintiffs' ability to rebut Irico's comity argument as a result of any potentially lost evidence. Moreover, as Irico has briefed in its opposition to Plaintiffs' sanctions motion, the purported lost evidence Plaintiffs complain of was likely not in existence at the time Irico's duty to preserve arose, given Irico's Chinese legal obligations, preservation practices, and nascent IT system and e-mail practices at the time. *See Opp'n* at 12-17.

Separately, it is striking for Plaintiffs to decry their lack of evidence to rebut Irico's comity arguments when IPPs had the opportunity to depose Irico's Chinese law expert who authenticated all of the Chinese pricing regulations yet declined to do so. IPPs' lack of diligence in developing the record to rebut Irico's comity arguments should not now be rewarded through claims of non-existent prejudice and the extreme sanctions they seek. Lastly, Plaintiffs' implied request for the Special Master to intervene on this point, where the application of the doctrine of international comity is currently pending before and rests within the discretion of the trial court, is misplaced. In effect, the Plaintiffs are asking the Special Master to preempt the process by applying his discretion on a dispositive issue in place of Judge Tigar's.

* * *

Conclusion

Plaintiffs ask the court to assume Plaintiffs' suffered prejudice; however, subjecting Plaintiffs' claims to slight examination reveals that they are overreaching. Plaintiffs are not prejudiced in their ability to answer any of Irico's summary judgment arguments. Plaintiffs have an extensive discovery record in this matter that stems from "tens of thousands" of relevant documents already produced in this litigation, countless interrogatory and requests for admission responses, and testimony from over 250 witnesses. *See Opp'n* at 24. According to Plaintiffs this record provides "overwhelming" evidence against Irico. *See, e.g.,* ECF No. 5191 at 12. All told, however, none of the allegedly "overwhelming" evidence gathered by Plaintiffs provides a reliable basis to show that Irico had any contact with the Non-Contact States, to demonstrate that Irico

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participated in the alleged conspiracy prior to August 5, 1998, or to dispel Irico's international comity argument. Plaintiffs' real complaint is not that the evidentiary record is incomplete but, rather, that it is robust but unfavorable to their cause. Plaintiffs' claims of prejudice regarding Irico's summary judgment arguments therefore strain credulity and should be ignored.

Sincerely,

/s/ John M. Taladay
John M. Taladay

Exhibit A



彩虹集團電子股份有限公司
IRICO GROUP ELECTRONICS COMPANY LIMITED*

(A joint stock company incorporated in the People's Republic of China with limited liability)

(Stock Code: 0438)

Interim Report **2010**

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IRICO GROUP ELECTRONICS COMPANY LIMITED

I. RESULTS HIGHLIGHTS

	First half of 2010	First half of 2009 (Restated)	Increase/ (decrease)	Percentage Change (%)
<i>(RMB'000)</i>				
Turnover	1,281,585	818,277	463,308	56.62
Gross profit/(loss)	191,150	(22,715)	213,865	(941.51)
Operating profit/(loss)	55,286	(176,239)	231,525	(131.37)
Profit/(loss) before tax	20,263	(191,475)	211,738	(110.58)
Profit/(loss) for the period	16,528	(191,445)	207,973	(108.63)
Attributable to:				
Owners of the Company	10,413	(121,373)	131,786	(108.58)
Non-controlling interests	6,115	(70,072)	76,187	(108.73)
Total comprehensive income (expenses) for the period	17,125	(191,417)	208,542	(108.95)
Attributable to:				
Owners of the Company	11,010	(121,345)	132,355	(109.07)
Non-controlling interests	6,115	(70,072)	76,187	(108.73)
Gearing ratio	71%	62%	9%	N/A

II. MANAGEMENT DISCUSSION AND ANALYSIS

(I) Conditions of the Industry

1. Display Devices

During the reporting period, the global display device industry continued its shift towards flat panels.

During the first half of 2010, the output volume of global liquid crystal display ("LCD") panels accounted for 71,000,000 square metres, representing a year-on-year growth of 53%, of which the output volume of LCD panels for LCD television sets exceed 100,000,000 units, representing a year-on-year increase of 68%. In China, LCD industry is in fast growing stage. The domestic output volume of LCD panels accounted for 1,810,000 square metres in the first half of 2010, representing a year-on-year increase of 53%. Meanwhile, investment in the domestic LCD panel industry remained competitive. In the beginning of the year, a 8.5-generation LCD panel line in Shenzhen owned by another company had commenced construction while investment plans for several LCD panel lines are under review. Three years in the future, as more LCD panel lines being built and put into production, the output volume of domestic LCD panels will hopefully sustain rapid annual growth of approximately 85% in the next three years.

The performance of the global cathode ray tube ("CRT") (with colour picture tube ("CPT"), being a type of CRT) television set industry was broadly in line with expectation in the first half of 2010, with significantly narrowed loss despite continuing recession. In China, the production volume and exports of CRT television sets accounted for 10,385,000 units and 7,412,000 units in the first half of the year respectively, representing a year-on-year increase of 12.5% and 37.9%, respectively. Exports had then provided a strong underpinning to the partial recovery of the domestic CRT industry. As for CPTs, the production volume of CPTs in China increased by 13.8% year-on-year to 13,063,000 units in the first half of the year, well above the general estimate in the beginning of the year. Such growth was mainly attributed to the resume in demand for CRT television sets and CPTs from developing countries in the first half of the year. However, under continuous price downturn of flat TV, future for the CRT industry will still be exposed to substantial risks but further reorganization and adjustment in the industry as well as the shortage of CPT raw materials will present industry leaders with opportunities to run a successful business.

In the organic light-emitting diode ("OLED") industry, the global output volume of PM-OLED ("Passive Matrix") accounted for 25,200,000 units in the first half of the year, representing a modest increase of 3.1% while that of AM-OLED ("Active Matrix") which will be the mainstream OLED in the future accounted for 18,650,000 units, representing a year-on-year increase of 127%. The annual output volume of AM-OLED products is expected to increase to 47,630,000 units with the year-on-year growth rate of more than 100%, which will exceed the annual output volume of PM-OLED for the first time.

2. LCD Glass Substrate

Strong momentum in the global LCD panel industry in the first half of 2010 had also driven the thin film transistor liquid crystal display ("TFT-LCD") glass substrate ("LCD glass substrate") market to solid growth in the same period. In the first half of the year, the global LCD glass substrate market reached a scale of 142,000,000 square metres, representing a year-on-year increase of 53%, which is the fastest growth rate in the last three years. Due to an accelerating demand for LCD glass substrate, the global supply of LCD glass substrate in the first half of the year remained tight. For instance, the shortage of the fifth and sixth generation glass substrates in Taiwan region accounted for 10 to 20% of the total demand during the first quarter. Looking over the year as a whole, the demand for LCD glass substrates is expected to hurdle over 300,000,000 square metres over the year-on-year increase of nearly 40%. As for the market in Mainland China, the increase in capacity utilization of panel enterprises and the expansion of production of certain manufacturers in the first half of the year had stimulated demand for LCD glass substrates to increase by more than 50% year-on-year. With new panel lines to come on stream in China in the second half of the year, demand for LCD glass substrates is expected to grow substantially going forward.

3. Solar Photovoltaic Glass

In recent years, low-carbon economy, energy saving and emission reduction as well as renewable energy development have become a consensus among governments around the world and solar photovoltaic has been one of the fastest-growing branches in the new energy industry up to date. The global solar photovoltaic market will have the better-than-expected growth in 2010, with installed global solar photovoltaic modules expected to increase by 93% year-on-year to 13.57GW. As the world's largest manufacturing and export base of photovoltaic modules, China had a year-on-year increase of 162% and 223% in its export volume and export value respectively in the first half of the year. In the same period, exports of domestic photovoltaic glass witnessed a strong growth. In the context of a booming photovoltaic module industry, the market of solar photovoltaic glass for encapsulation of photovoltaic modules is also expected to have the better-than-expected growth in 2010. Taking exports into account, the output volume of solar photovoltaic glass in Mainland China looks set to increase by nearly 50% year-on-year to over 100,000,000 square metres in 2010.

4. Luminous Materials

Luminous materials are yet another business focus of the Group. As Australia and European Union launched policies to prohibit use of incandescent lamp, global energy saving lamp market recorded admirable growth in 2010. Further, in October 2009, European Union revoked anti-dumping duty which has been imposed on energy saving lamps exported from China for 8 years. Therefore, China's energy saving lamp industry operated in a more favourable environment in 2010. In the first half of the year, exports of China's energy saving lamps amounted to 1,456,000,000 units, representing a year-on-year increase of 64%. As a result, market demand for domestic energy saving lamp phosphors grew rapidly. Apart from energy saving lamp phosphors, cold cathode fluorescent lamp ("CCFL") phosphor ("CCFL phosphor") for LCD backlight business, light emitting diode ("LED") phosphor business and plasma display panel ("PDP") phosphor ("PDP phosphor") business in Mainland China also experienced varying degree of growth in the first half of 2010, thanks to the stable momentum of China's panel display industry.

(II) Business Review

1. Operation Highlights

During the reporting period, in light of the rapid expansion of its new businesses and the stable and effective operation of traditional CPTs, the Group turned from loss-making to profit-making. In the first half of 2010, the turnover of the Group amounted to RMB1,281,585,000, representing a year-on-year increase of 57%. Profit attributable to shareholders amounted to RMB10,413,000, representing a year-on-year increase of RMB131,786,000.

The Group has been shifting its business focus from traditional CPTs and spare parts to flourishing industries such as panel display devices and its relevant products, solar photovoltaic glass and luminous materials. With the commissioning and expansion of its new TFT-LCD glass substrate and solar photovoltaic glass projects, as well as further expansion of the luminous materials business, the Group's strategic transformation has been gradually drawing closer to completion.

2. Progress of New Operations

(1) TFT-LCD Glass Substrate Business

With regard to the Group's TFT-LCD glass substrate business, the phase I TFT-LCD glass substrate project, which is the first domestic production line of the fifth generation TFT-LCD glass substrate, has completed construction and is operating in good condition. Through adjusting and optimizing glass materials, production equipment and craftwork conditions, the quality yield of products was maintained at a relatively high level. Several customers orderly conducted the work of market certification, of which some achieved mass sales.

The Group has commenced the construction of the phase II project of 12 new production lines of TFT-LCD glass substrate in Xianyang, Hefei and Zhangjiagang. The construction is in smooth progress and the preliminary preparations of the trial production were carried out in an orderly manner. It is expected to be completed in phase and put into production gradually by the end of September 2010. Looking ahead, the Group will see continuous enhancement in the scale effect and competitiveness of its TFT-LCD glass substrate business and the Group is set to become a key supplier of TFT-LCD glass substrate across the nation and even the world.

(2) Solar Photovoltaic Glass Business

During the reporting period, the Company has constructed a glass furnace with a daily melting capacity of 250 tons together with the ancillary construction of two 125 tons/day glass rolling production lines and two glass tempering production lines with a production capacity of 6,788,000 square metres/year, which have an annual production capacity of 5,026,000 square metres of tempered solar photovoltaic glass. Currently, the production lines have been put into full operation with mass production and sales. The product is of high quality. Phase II of the project (which has the same scale as Phase I) commenced construction in March 2010 and is expected to commence operation in October 2010 and put into trial production in November 2010. With an aim to swiftly expand its scale and with a hope of becoming an industry leader, the Company will steadily expand the business of solar photovoltaic glass according to market condition in the future.

(3) Luminous Materials Business

As the global economy gradually regained its strength and relevant industries developed swiftly during the reporting period, the luminous materials business of the Group increased as compared to the corresponding period last year. With ceaseless efforts in improving product quality and enhancing its technical services, the Group saw a 96.66% growth in the sales of energy saving lamp phosphors as compared to the corresponding period last year. Driven by the commencement of operation of the new production line and the promotional measures of sales and marketing, sales volume of CCFL phosphor increased by over 20 times as compared to the corresponding period last year. Furthermore, the Group's PDP phosphor and electronic silver paste business have realised sales revenue whilst the industrialization and market promotion of lithium battery powder, LED phosphor and other new products are in full swing.

(4) FPD Devices Business

The Group's production lines of OLED, the third generation display device, which officially commenced construction in Shunde District, Foshan, Guangdong Province in May 2009, has completed construction of the main parts of the project. Currently, the equipment are under installation preparations. Equipment installation and testing process are expected to be completed and undergo trial operation in October 2010.

As for the PDP project jointly established by the Company and Sichuan Changhong Electrical Group Co., Ltd. (四川長虹電子集團有限公司), in January 2010, the monthly comprehensive quality yield of products has reached the designed and planned level and the project has been put into full production.

3. Traditional CPT Business

During the reporting period, the domestic CRT television and CPT industry saw a rally. The Group achieved effective operation of CPT business by increasing marketing efforts, strengthening cost control and adjusting organisational structure. CPT sales volume of the Group amounted to 4,301,000 units in the first half of 2010, representing an increase of 848,000 units or approximately 24.56% as compared with the corresponding period last year; turnover was RMB702,548,000, representing an increase of RMB129,568,000 or approximately 22.61% as compared to the corresponding period last year.

(III) FINANCIAL REVIEW

1. Overall performance

The overall gross profit margin of the Group increased from -2.78% for the first half of 2009 to 14.92% for the first half of 2010, which was mainly attributable to the increased profitability of CPT as a result of the increase in the price of CPT and the continuous reduction in costs due to strengthened cost control initiatives. Besides, the profitability of our new business segments was further enhanced, increasing the gross profit margin of the Group as a whole.

2. Business Results

1) Unaudited profit and loss (RMB'000)

	For the six months ended 30 June			
	2010	2009	Increase/ (decrease)	Percentage Change
(RMB'000)		(Restated)		(%)
Turnover	1,281,585	818,277	463,308	56.62
Sales of CPTs	702,548	572,979	129,569	22.61
Sales of components and materials	579,037	245,298	333,739	136.05
Cost of sales	(1,090,435)	(840,992)	(249,443)	29.66
Gross profit/(Gross loss)	191,150	(22,715)	213,865	(941.51)
Operating expenses				
Administrative expenses	(104,502)	(137,559)	33,057	(24.03)
a) General administrative expenses	(95,686)	(127,924)	32,238	(25.20)
b) Research and development expenses	(8,816)	(9,635)	819	8.5
Selling and distribution costs	(53,259)	(37,973)	(15,286)	40.25
Other operating expenses	(2,246)	(764)	(1,482)	193.98
Operating profit/(loss)	55,286	(176,239)	231,525	(131.37)
Finance costs	(35,060)	(18,423)	(16,637)	90.31
Profit/(loss) for the period	16,528	(191,445)	207,973	(108.63)
Attributable to:				
Owners of the Company	10,413	(121,373)	131,786	(108.58)
Non-controlling interests	6,115	(70,072)	76,187	(108.73)
Total comprehensive income (expenses) for the period	17,125	(191,417)	208,542	(108.95)

2) *Turnover*

Turnover by product (RMB'000)

Name	2010	2009	Increase/ (decrease)	Change (%)
CPTs	702,548	572,979	129,569	22.61
Components and materials	579,037	245,298	333,739	136.05
Total	1,281,585	818,277	463,308	56.62

3. **Change Over Corresponding Period Last Year and Reasons**1) **Turnover and gross profit margin**

In the first half of 2010, the turnover of the Group increased by RMB463,308,000 or 56.62% to RMB1,281,585,000, as compared to the corresponding period in 2009. Of which, turnover from CPT increased by RMB129,569,000 or 22.61% to RMB702,548,000 when compared to that of the corresponding period in 2009. Turnover from components and materials increased by RMB333,739,000 or 136.05% to RMB579,037,000 as compared to the corresponding period in 2009. The overall gross profit margin of the Group increased from -2.78% in the first half of 2009 to 14.92% in the first half of 2010, mainly due to the increase in gross profit margin of the whole Group as a result of the increased profitability of our new business segments and the increased profitability of our products due to continuous reduction in costs through strengthened cost control initiatives and optimization of product mix.

2) Administrative expenses

The Group's administrative expenses in the first half of 2010 decreased by RMB33,057,000 or approximately 24.03%, to RMB104,502,000 from RMB137,559,000 for the corresponding period in 2009. The decrease in administrative expenses was mainly attributable to the increase in production capacity of traditional business segments and significant decrease in losses arising from suspension of production as a result of the strengthening of marketing efforts and timely adjustment of product mix.

3) Finance cost

The Group's finance costs in the first half of 2010 was RMB35,060,000 (excluding interest expense capitalized amounting to RMB9,500,000), representing an increase of RMB16,637,000 or approximately 90.31%, from RMB18,423,000 for the corresponding period in 2009. The increase in finance cost was mainly attributable to an increase in borrowings due to the development of new business segments.

4. Current assets and financial resources

As at 30 June 2010, the Group's cash and bank balances aggregated to RMB1,394,251,000, representing an increase of RMB316,590,000 or 29.38%, from RMB1,077,661,000 as at 31 December 2009. For the half year ended 30 June 2010, the Group's capital expenditures totaled RMB1,408,797,000 (as at 30 June 2009: RMB64,494,000). Net cash flow from operating activities was RMB297,458,000 (as at 30 June 2009: RMB214,600,000), while net cash flow from financing activities and used for investing activities were RMB1,309,645,000 (as at 30 June 2009: RMB45,231,000) and RMB1,291,110,000 (as at 30 June 2009: RMB61,783,000), respectively.

As at 30 June 2010, the Group's total borrowings aggregated to RMB3,169,656,000, of which borrowings due within one year amounted to RMB2,189,548,000 and borrowings with maturity beyond one year amounted to RMB980,108,000. As at 31 December 2009, the Group's borrowings was RMB1,815,451,000, of which borrowings due within one year amounted to RMB1,221,949,000 and borrowings with maturity beyond one year amounted to RMB593,502,000. As at 30 June 2010, bank loans amounted to approximately RMB343,000,000 (as at 31 December 2009: RMB197,000,000) were secured by certain land and land use rights, buildings, equipment, trade receivables and inventories of the Group.

For the half year ended 30 June 2010, the turnover period for accounts receivable of the Group was 105 days, representing a decrease of 71 days from 176 days for the half year ended 30 June 2009. The decrease in the turnover days for accounts receivable was mainly attributable to the quickening of the turnover of trade receivable following a 56.62% year-on-year increase in turnover along with a 17.15% decrease in trade receivable as compared with the beginning of the year under doubled efforts in the collection of trade receivables during the Group's market expansion. For the half year ended 30 June 2010, the inventory turnover days of the Group decreased by 90 days from 164 days for the half year ended 30 June 2009 to 74 days, mainly attributable to the Group's strengthening of marketing efforts as well as its sales-oriented approach to production, which led to scientific and logical production and procurement as well as the reduction of inventories and fund appropriation.

5. Capital structure

As at 30 June 2010, the Group's borrowings were mainly denominated in Renminbi and US dollars, while its cash and bank balances were mainly denominated in Renminbi, Hong Kong dollars and US dollars. The Group intends to maintain an appropriate ratio of share capital to liabilities, so as to ensure that an effective capital structure is maintained from time to time. As at 30 June 2010, its total liabilities including bank borrowings aggregated to RMB4,662,730,000 (as at 31 December 2009: RMB3,150,959,000) with cash and bank balances aggregated to RMB1,394,251,000 (as at 31 December 2009: RMB1,077,661,000) and a gearing ratio (i.e. total liabilities divided by total assets) of 71% (as at 31 December 2009: 62%).

6. Interim dividend

As there was no accumulated surplus in the first half of 2010, the Board resolved not to distribute any interim dividends.

7. Foreign exchange risk

The Group's income and most of its expenses are denominated in Renminbi and US dollars. For the six months ended 30 June 2010, the operating cost of the Group increased by RMB976,000 as a result of exchange rate fluctuations (as at 30 June 2009: RMB426,000). There was no material impact on the operating capital or liquidity as a result of exchange rate fluctuations.

8. Commitments

As at 30 June 2010, capital commitments of the Group amounted to RMB2,146,751,000 (31 December 2009: RMB228,950,000).

9. Contingent liabilities

As at 30 June 2010, the Group had no material contingent liability.

10. Pledged assets

As at 30 June 2010, bank loans of the Group amounted to approximately RMB343,000,000, which were secured by certain leasehold land and land use rights, buildings, equipment, trade receivables and inventories of the Group.

As at 31 December 2009, the bank loans of the Group amounted to approximately RMB197,000,000, which were secured by certain leasehold land and land use rights, buildings, equipment and trade receivables of the Group.

III. OTHER INFORMATION**(1) Share Appreciation Rights Plan**

Pursuant to the Share Appreciation Rights Plan of the Company (details of which were set out in the Company's prospectus dated 8 December 2004), as at 30 June 2010, the following Directors, Supervisors and senior management members were granted share appreciation rights by the Company:

Name	Number of Share Appreciation Rights (Shares)	Note
Xing Daoqin	3,600,000	Director
Tao Kui	2,920,000	Director
Zhang Junhua	1,950,000	Director
Guo Mengquan	2,460,000	Director
Niu Xinan	1,600,000	Director
Fu Jiuquan	1,050,000	Director
Zhang Weichuan	1,320,000	Director
Fu Yusheng	600,000	Supervisor
Tang Haobo	400,000	Supervisor
Zhang Chunning	1,570,000	Senior Management
Zou Changfu	1,320,000	Senior Management
Ma Jianchao	1,120,000	Senior Management
Chu Xiaohang	330,000	Senior Management

(2) Interests and Short Positions of Directors, Supervisors and Senior Management

Save as disclosed in (1) above, as at 30 June 2010, none of the Directors, Supervisors, chief executive or senior management members of the Company or their respective associates had any interest or short position in the shares, underlying shares and/or debentures (as the case may be) of the Company and/or any of its associated corporations (within the meaning of Part XV of the Securities and Futures Ordinance (SFO)) which was required to be notified to the Company and the Stock Exchange pursuant to the provisions of Divisions 7 and 8 of Part XV of the SFO (including interest and short positions which any such Directors, Supervisors, chief executive or senior management members was deemed or taken to have under provisions of such chapters of the SFO), or which was otherwise required to be entered in the register to be kept by the Company pursuant to section 352 of the SFO, or which was otherwise required to be notified to the Company and the Stock Exchange pursuant to the Model Code for Securities Transactions by Directors of Listed Issuers (the "Model Code") as set out in Appendix 10 to the Rules Governing the Listing of Securities on the Stock Exchange (the "Listing Rules").

(3) Interests and Short Positions of Substantial Shareholders and Other Persons

So far as the Directors are aware, each of the following persons, not being a Director, Supervisor, chief executive or member of senior management of the Company, had an interest or short position in the Company's shares or underlying shares (as the case may be) as at 30 June 2010 and as entered in the register of interests to be kept pursuant to section 336 of the SFO: IRICO Group Corporation had interests in 1,601,468,000 domestic shares of the Company (representing 100% of the Domestic Share capital), whereas HKSCC (Nominees) Limited had interests in 531,899,189 H shares of the Company (representing 99.63% of the H share capital). Xing Daoqin, Tao Kui, Guo Mengquan and Fu Jiuquan are the Company's Directors, and are IRICO Group Corporation's General Manager, Vice General Manager, Vice General Manager and Chief Accountant respectively.

Notes:

As at 30 June 2010, based on the information available to Directors and so far as the Directors are aware, HKSCC (Nominees) Limited held 531,899,189 H shares, among which:

Baystar Capital II, L.P. had beneficial interests in 54,509,400 H shares of the Company (representing approximately 10.21% of the issued H shares of the Company). Each of Baystar Capital Management LLC, Mr. Derby Steven P., Mr. Goldfarb Lawrence and Mr. Lamar Steven M. was deemed to be interested in the same tranche of H shares of the Company by virtue of their direct or indirect control of Baystar Capital II, L.P..

J.P. Morgan Fleming Asset Management Holdings Inc. held 37,116,200 H shares of the Company (representing 6.95% of the issued H shares of the Company) in the capacity of investment manager and through its controlled corporations, of which 36,517,800 H shares of the Company were held by JF Asset Management Limited and 598,400 H shares of the Company were held by JF International Management Inc..

Pictet Asset Management Limited held direct interests in 30,236,800 H shares (representing approximately 5.66% of the H Share capital) in the Company on behalf of Pictet Funds Asian Equities, which had interests in 31,354,400 shares.

(4) Audit Committee

In compliance with the provisions set out in the Code on Corporate Governance Practices (the "Code") in Appendix 14 to the Listing Rules, the Company has established the Audit Committee.

The Board adopted all contents set out in Code Provisions C.3.3 of the Code as the terms of reference of the Audit Committee. The Audit Committee has considered and reviewed the accounting standards and methods adopted by the Company and other matters relating to the auditing, internal control and financial reporting, which included the unaudited interim financial statements for the six months ended 30 June 2010.

(5) Independent Non-executive Directors

The Group has complied with the requirement concerning the appointment of sufficient independent non-executive Directors and that at least one of them possesses appropriate professional qualification or appropriate accounting or relevant financial management expertise set out in Rule 3.10(1) and 3.10(2) of the Listing Rules. The Company has appointed five independent non-executive Directors, one of whom possesses financial management expertise.

(6) Corporate Governance Practices

The Board has reviewed the documents regarding the Company's adoption of relevant corporate governance, and is of the opinion that they have met the principles and code provisions set out in the Code.

The Directors are not aware of any information that would reasonably reflect the non-compliance of the Company or any of the Directors with the Code during the period ended 30 June 2010. The Board considers that the Company has fully complied with the principles and code provisions set out in the Code during the reporting period.

(7) Model Code for Securities Transactions by the Directors of Listed Issuers

For the six months period ended 30 June 2010, the Company has adopted a model code for securities transactions by Directors and Supervisors of the Company which is no less exacting than the standard stipulated by the Model Code. Having made specific enquiry in the reporting period, the Company has confirmed that all Directors and Supervisors have complied with the requirements set out in the Model Code.

(8) Purchase, Sale or Repurchase of Shares

During the reporting period, the Group had not purchased, sold or repurchased any of the shares in the Company in issue.

(9) Employees

As at 30 June 2010, the Group has a total of 5,796* employees. Of which, approximately 9.3% are management and administrative staff, 7.9% are technicians, 1.4% are financial and auditing staff, 1.6% are sales and marketing staff, 77.5% are production workers and others are 2.3%.

The Company's employment and remuneration policies remain unchanged from those described in the prospectus of the Company dated 8 December 2004. The Group's employees are enthusiastic about their work and are committed to the provision of high quality products and reliable services.

* *Excluding service dispatch worker*

(10) Public Float

Based on the information that is publicly available to the Company and within the knowledge of the Directors of the Company, as at the date of this report, the Directors believe that the percentage of shares of the Company in public hands at all times during the reporting period was in compliance with the prescribed level of the minimum public float as set out in Rule 8.08 of the Listing Rules.

(11) Significant Investments

During the reporting period, save as disclosed below, the Company had not made any other significant investment.

Leveraging on the successful establishment of the first phase of the self-developed photovoltaic glass production line project, the Company further established the second phase of the solar photovoltaic glass production line project with an investment of RMB187.26 million in March 2010. According to the project plan, a glass furnace with a daily melting capacity of 250 tons will be built together with the ancillary construction of two 125 tons/day glass rolling production lines and two glass tempering production lines with a production capacity of 6,788,000 square metres/year, which have an annual production capacity of 5,026,000 square metres of tempered solar photovoltaic glass. The project is expected to commence operation in October 2010 and will commence trial production in November 2010.

(12) Material Acquisition and Disposal

During the reporting period, the Company did not have any material acquisition or disposal of subsidiaries and associated companies.

(13) Material Litigations

As at 30 June 2010, save as disclosed below, the Directors were not aware of any other litigation or claim of material importance pending or threatened against any member of the Group.

- Claims by Curtis Saunders against the Company and IRICO Display

In January 2010, IRICO Group Corporation ("IRICO Group"), the Company and IRICO Display Device Co., Ltd. ("IRICO Display") received a statement of class action from the Registry of Supreme Court of British Columbia, Vancouver, Canada (加拿大不列顛哥倫比亞省高級法院溫哥華市書記官處). Curtis Saunders, the plaintiff, accused over 50 global CRT manufacturing enterprises, including IRICO Group, the Company and IRICO Display, of a conspiracy or a collusion to enter into agreements raising the price of CRT to an unreasonable level and lifting the profits from selling CRT products from 1 January 1995 to 1 January 2008. All these were alleged to cause damage to the interests of the plaintiff and other buyers of CRT products. Therefore, the plaintiff claimed for damages. As at the date of this report, Supreme Court of British Columbia Canada has accepted the case. Upon respective investigations and as confirmed by the Company, IRICO Group and IRICO Display, the Company, IRICO Group and IRICO Display have not sold any CRT products in the market of Canada directly or via agency since 1995. The Company's preliminary assessment is that the claim will not pose any negative impact on the business operation of the Group. Please refer to the announcement of the Company dated 25 January 2010 for the details of the class action.

- Claims by Fanshawe College against the Company and IRICO Display

The Company and IRICO Display received statement of claim from Ontario Superior Court of Justice Canada in respect of a litigation brought by the Fanshawe College of Applied Arts and Technology ("Fanshawe College") in August 2009 and July 2009 respectively. The plaintiff, accused various global CRT manufacturing enterprises, including the Company and IRICO Display, of a conspiracy to sustain, control and stabilise the price of CRT since 1 January 1998, and a collusion to manipulate the market and to enter into agreements raising the price of CRT to an unreasonable level. All these were alleged to coerce the plaintiff and the public to pay an artificially high price for the CRT products which caused damage to their interests. Therefore, the plaintiff claimed for damages. As at the date of this report, Ontario Superior Court of Justice Canada has accepted the case. Upon respective investigations and as confirmed by the Company and IRICO Display, the Company and IRICO Display have not sold any CRT products in the market of Canada directly or via agency since 1998. The Company's preliminary assessment is that the claim will not pose any negative impact on the business operation of the Group.

- Claims by American Crago Company against IRICO Display

In January 2008, IRICO Display, a subsidiary of the Company, received a statement of class action from the U.S. District Court, Northern District of California in respect of a class action being brought by American Crago Company on behalf of itself and other companies for the similar issue. The plaintiff accused various CRT manufacturing enterprises, including IRICO Display, of a conspiracy to control the market which was in violation of antitrust law. It was alleged that the plaintiff and other members in the class proceedings paid more than that would have been determined by competitive market and therefore claimed for triple damages. At present, U.S. District Court, Northern District of California has accepted the case. Upon investigations, IRICO Display have not sold any CRT products in the market of USA since 1995. The Company and IRICO Display's preliminary assessment is that the claim will not pose any negative impact on our ordinary business operation.

In the opinion of the Directors, the above case did not have any material impact on the Group's interim financial statements for the six months ended 30 June 2010.

Exhibit B

MARIO N. ALIOTO (56433)
LAUREN C. RUSSELL (241151)
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San Francisco, CA 94123
Telephone: (415) 563-7200
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malioto@tatp.com
lauren russell@tatp.com

*Interim Lead Counsel for Indirect
Purchaser Plaintiffs*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

) Case No. CV-07-5944-SC

) MDL No. 1917

This Document Relates to:

) **NOTICE OF SERVICE OF SUBPOENAS**

ALL INDIRECT PURCHASER ACTIONS

NOTICE IS HEREBY GIVEN that the Indirect Purchaser Plaintiffs in the above-captioned action shall serve subpoenas for production of documents on the entities listed below. Subpoenas for the production of documents from these entities are attached hereto as the exhibit listed.

<u>Exhibit</u>	<u>Entity Subpoenaed</u>
A.	Amazon.com, Inc.
B.	AOC
C.	Arrow Electronics
D.	BenQ USA Corp.
E.	Best Buy Co., Inc.
F.	Buy.com
G.	CDW Corporation
H.	Costco
I.	CTX Technology
J.	Dell Inc.
K.	Envision Display
L.	Fry's Electronics, Inc.
M.	Funai Corporation, Inc.
N.	Gateway, Inc.
O.	Iiyama North America, Inc.
P.	Ingram Micro Inc.
Q.	NEC Display Solutions of America
R.	Newegg.com
S.	Nexgen
T.	nowdirect.com
U.	Office Depot
V.	Office Max
W.	PC Connection
X.	PC Mall
Y.	Proview Technology, Inc.
Z.	RadioShack Corporation
AA.	Sam's Club
BB.	Sanyo North America Corporation
CC.	Sharp Electronics Corporation
DD.	Sony Corporation of America
EE.	Staples
FF.	SYNAP
GG.	Tech Data Corporation
HH.	Tech Depot
II.	Wal-Mart Stores, Inc.
JJ.	Zenith Corporation
KK.	Zones

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1 Dated: November 9, 2009

By: /s/ Mario N. Alioto

2 Mario N. Alioto (56433)
3 Lauren C. Russell (241151)
4 TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP
5 2280 Union Street
6 San Francisco, CA 94123
7 Telephone: (415) 563-7200
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9 malioto@tatp.com
10 lauren russell@tatp.com

11 *Interim Lead Counsel for Indirect*
12 *Purchaser Plaintiffs*
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Exhibit C

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

In Re: Cathode Ray Tube (CRT) Antitrust Litigation

Plaintiff

v.

Defendant

Civil Action No. 3:07-cv-5944-SC MDL No. 1917

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Technicolor USA, Inc. (f/k/a Thomson Consumer Electronics, Inc.)
c/o Registered Agent Solutions, Inc., 1220 S St. STE 150, Sacramento, CA 95811

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See Exhibit A

Place: Perkins Coie LLP
1201 3rd Ave Suite 4900
Seattle, WA 98101

Date and Time:

12/12/2013 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 11/12/2013

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Costco Wholesale Corporation, who issues or requests this subpoena, are:

Steven D. Merriman, Perkins Coie LLP, 1201 3rd Ave Suite 4900, Seattle, WA 98101.
Telephone: (206) 359-3495. Email: smerriman@perkinscoie.com

Civil Action No. 3:07-cv-5944-SC MDL No. 1917

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

EXHIBIT A

In Re: Cathode Ray Tube (CRT) Antitrust Litigation

Master File No. 3:07-md-05944-SC / MDL No. 1917

EXHIBIT "A" TO SUBPOENA DIRECTED TO THOMSON CONSUMER ELECTRONICS, INC. (n/k/a TECHNICOLOR USA, INC.)

I. DEFINITIONS

The words and phrases used in these requests shall have the meanings ascribed to them under the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Northern District of California. In addition, the following terms shall have the meanings set forth below whenever used in any Request for Production of Documents.

1. The words "all," "any," and "each" mean "each and every."
2. The words "and" and "or" are both conjunctive and disjunctive as necessary.
3. "Communications" means, without limitation, the transmittal of information (in the form of facts, ideas, inquiries or otherwise) between individuals or companies whether oral, written, electronic, or otherwise, and whether direct or through an intermediary.
4. "Concerning" or "concerns" means discussing, relating to, contradicting, referring to, reflecting, analyzing, describing, constituting, evidencing, containing or disclosing or supporting the referenced matter.
5. "Document" and "documents" shall have the meaning ascribed to them under the Federal Rules of Civil Procedure and shall also mean all electronically stored information ("ESI") including, without limitation, electronic data or data compilations, electronic files, email and other electronic communications saved to or located on hard disks, file servers, floppy disks, CDs, DVDs, backup tapes, thumb drives, or any other electronic media, whether or not in tangible or electronic form.

6. The term "CRT" means cathode ray tube and includes cathode ray tubes used in color televisions and color computer monitors.

7. The term "CRT Product" means a television or computer monitor containing a CRT.

8. "Identify," when used with reference to an entity, means to state the full name, present or last known address, and present or last known telephone number of such entity.

9. "Identify," when used with reference to documents, other than those under claim of privilege, means to identify the documents by each author, sender, addressee, date, subject, recipient, place of recording, and custodian.

10. "Identify" or "identification," when used in reference to an individual person, means to state his or her full name, present or last known address, present or last known telephone number, and present or last known position and business affiliation.

11. "Identify," "describe," "explain," or "state," when used in reference to any fact, act occurrence, transaction, statement, communication, document, or other matter, means to describe and identify the facts constituting such matter.

12. "Including" or "includes" means without limitation.

13. "Reflect(ing) or refer(ring) to" means a statement or communication about, relating to, concerning, describing, containing, identifying, or in any way pertaining to the subject matter in the request.

14. The term "person" or "persons" includes any natural person, public entity, partnership, corporation, association, firm, trust, joint venture, agency, board, authority, commission or other such entity.

15. "Supplier" means any supplier, manufacturer, or seller of CRT or CRT Products.

16. “You” or “Your” means Thomson Consumer Electronics, Inc., as well as: its current and former parent(s), including but not limited to Thomson SA (n/k/a Technicolor SA); its current and former subsidiaries, including but not limited to Thomson Displays Americas, LLC (n/k/a Technologies Displays Americas, LLC); its affiliates and their subsidiaries; any employees, agents, representatives or any persons acting or purporting to act on Your behalf, including each of Your attorneys.

II. INSTRUCTIONS

1. In responding to this subpoena, You are requested to produce all documents in Your possession, custody, or control, wherever located, including without limitation any document available to You upon request from Your parents, affiliates, subsidiaries, employees, officers, directors, attorneys, accountants, financial advisors, consultants, private investigators, or other agents or persons acting or purporting to act on Your behalf, as required by the Federal Rules of Civil Procedure and the applicable local rules.

2. If any part of a document is responsive to any request herein, produce the entire document, including any attachments or exhibits.

3. All documents should be produced as maintained in the ordinary course of business.

4. Any noun used in the singular form shall be construed and applied so as to include the plural, form also, and vice versa.

5. If You are not producing any documents in response to any of the Requests herein, Your response should make it clear that You are not producing any documents in response to that Request.

6. If only a part of a Request is objectionable, the response shall identify with particularity any document or other tangible thing falling within any category of item in the request to which an objection is being made, and shall set forth clearly the extent of and the specific ground for the objection.

7. Each Document Request shall be construed independently, and no Document Request shall be viewed as limiting the scope of any other Document Request.

8. Unless a different time is specified, the term "Relevant Period" means the period beginning March 1, 1995 and continuing through the present.

III. REQUESTS FOR PRODUCTION

Finished Goods Sales Data

1. Please produce transaction-level data maintained in the ordinary course of business, in a standard machine-readable format, for all sales of CRT Products sold by You from January 1995 through December 2009 that were either shipped to a U.S. location or billed to a customer in the U.S. Please include fields that identify:

- a. the date when You shipped the CRT Product;
- b. the quantity of CRT Products associated with each transaction, along with the units of measure for each quantity field in the data;
- c. the date when You billed each customer for the CRT Product;
- d. the location from which You shipped the CRT Product in each transaction;
- e. the name of each customer to whom You shipped the CRT product in each transaction;
- f. the name of each customer whom You billed for each CRT Product in each transaction;

- g. the location to which You shipped the CRT Products in each transaction;
 - h. the location of the customer whom You billed for the CRT Products in each transaction;
 - i. the product code/model number for the CRT Product and the description of the CRT Product
 - j. the gross and net Price of each CRT Product You sold in each transaction;
 - k. any discounts, rebates, credits, freight allowances, free goods and/or any other price adjustments You made in connection with each transaction;
 - l. the gross and net total amount paid by the customer for the CRT Products You sold in each transaction;
 - m. any taxes, customs, tariffs, duties or other fees paid on the CRT Products in each transaction;
 - n. the invoice number, purchase order number, and/or any other data sufficient to identify a unique transaction.
2. Please produce documents or databases sufficient to identify all physical characteristics You use to identify each unique CRT Product contained in the data produced in response to Request No. 1.
3. For each unique CRT Product identified in the data produced in response to Request No. 1, documents and or data sufficient to identify the supplier of the CRT for that unique CRT Product, the part number of the CRT contained in that CRT Product, and all information You maintain regarding the specifications and characteristics of the CRT contained in each unique CRT Product.

4. Please produce documents or data sufficient to explain all codes or abbreviations contained in the data produced in response to Request No. 1. Please also produce documents or data sufficient to identify the definition of each field contained in any data produced in response to Request No. 1.

Finished Goods Cost Data

5. Please produce transaction-level data maintained in the ordinary course of business, in a standard, machine-readable format, sufficient to show for all sales of CRT Products sold by You from January 1995 through December 2009 that were either shipped to a U.S. location or billed to a customer in the U.S. the costs You incurred in connection with the manufacture and sale of those CRT Products, including cost of goods sold (COGS). If this level of data is unavailable, then please provide COGS data at the most disaggregated level available.

a. COGS data should be produced with information sufficient to identify the corresponding sales data (see Request No. 1) for each particular transaction.

6. Please produce documents or data sufficient to explain all codes or abbreviations contained in the data produced in response to Request No. 5. Please also produce documents or data sufficient to identify the definition of each field contained in any data produced in response to Request No. 5.

CRT Purchase Data

7. For each unique CRT Product identified in the data produced in response to Request No. 1, please produce transactional-level data maintained in the ordinary course of business, in a standard machine-readable format, reflecting Your purchases of CRTs in connection with the manufacture and sale of those CRT Products, from January 1995 through December 2009, including, but not limited to documents or data evidencing:

- a. the date when You received the CRT;
 - b. the quantity of CRTs associated with each transaction, and the units of measure for each quantity field in the data;
 - c. the location from where You took delivery of the CRTs;
 - d. the manufacturer of the CRTs;
 - e. the specific entity that shipped the CRTs to You;
 - f. data or information used to identify the specifications of each CRT, including but not limited to part numbers, serial numbers or any other unique identifier, complete product descriptions, and size;
 - g. the gross and net Price of each CRT You purchased in each transaction;
 - h. any discounts, rebates, credits, freight allowances, free goods and/or any other Price adjustments You made in connection with each transaction involving an CRT;
 - i. the gross and net total amount paid for the CRT You or Your Affiliates purchased in connection with each such transaction;
 - j. any taxes, customs, tariffs, duties or other fees paid on each CRT You or Your Affiliates purchased;
 - k. the invoice number, purchase order number, and/or any other data sufficient to identify a unique transaction.
8. Please produce documents or data sufficient to explain all codes or abbreviations contained in the data produced in response to Request No. 7. Please also produce documents or data sufficient to identify the definition of each field contained in any data produced in response to Request No. 7.

CRT Sales Data

9. Please produce transaction-level data maintained in the ordinary course of business, in a standard machine-readable format, for all sales of CRTs sold by You from January 1995 through December 2009 that were either shipped to a U.S. location or billed to a customer in the U.S. Please include fields that identify:

- a. the date when You shipped the CRT;
- b. the quantity of CRTs associated with each transaction, along with the units of measure for each quantity field in the data;
- c. the date when You billed each customer for the CRT;
- d. the location from which You shipped the CRT in each transaction;
- e. the name of each customer to whom You shipped the CRT in each transaction;
- f. the name of each customer whom You billed for each CRTs in each transaction;
- g. the location to which You shipped the CRTs in each transaction;
- h. the location of the customer whom You billed for the CRTs in each transaction;
- i. the product code/model number for the CRTs and the description of the CRTs
- j. the gross and net Price of each CRT You sold in each transaction;
- k. any discounts, rebates, credits, freight allowances, free goods and/or any other price adjustments You made in connection with each transaction;

l. the gross and net total amount paid by the customer for the CRTs You sold in each transaction;

m. any taxes, customs, tariffs, duties or other fees paid on the CRTs in each transaction;

n. the invoice number, purchase order number, and/or any other data sufficient to identify a unique transaction.

10. Please produce documents or databases sufficient to identify all physical characteristics You use to identify each unique CRT contained in the data produced in response to Request No. 9.

11. Please produce documents or data sufficient to explain all codes or abbreviations contained in the data produced in response to Request No. 9. Please also produce documents or data sufficient to identify the definition of each field contained in any data produced in response to Request No. 9.

CRT Cost Data

12. Please produce transaction-level data maintained in the ordinary course of business, in a standard, machine-readable format, sufficient to show for all sales of CRTs sold by You from January 1995 through December 2009 that were either shipped to a U.S. location or billed to a customer in the U.S., Your costs incurred in connection with the manufacture and sale of those CRTs, including cost of goods sold (COGS). If this level of data is unavailable, then please provide COGS data at the most disaggregated level available.

a. COGS data should be produced with information sufficient to identify the corresponding sales data (see Request No. 9) for each particular transaction.

13. Please produce documents or data sufficient to explain all codes or abbreviations contained in the data produced in response to Request No. 12. Please also produce documents or data sufficient to identify the definition of each field contained in any data produced in response to Request No. 12.

Exhibit D



**Service of Process
Transmittal**

11/22/2013

CT Log Number 523942473

TO: Perry A. Pappous, Executive VP and General Counsel
Mitsubishi Electric & Electronics America, Inc.
5900-A Katella Avenue
Cypress, CA 90630-5019

RE: Process Served in California

FOR: Mitsubishi Electric US, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Cathode Ray Tube (CRT) Antitrust Litigation, et al., Pltfs. vs. Hitachi, Ltd., et al.,
Dfts. // To: Mitsubishi Electric US, Inc.

DOCUMENT(S) SERVED: Letter, Subpoena, Proof of Service, Attachment(s), Exhibit(s)

COURT/AGENCY: Northern District - U.S. District Court, CA
Case # 307CV05944SC

NATURE OF ACTION: Subpoena - Business records - Pertaining to database sufficient to identify all
physical characteristics use to identify each unique CRT Product contained in the
data produced (See documents for additional requested information)

ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE: By Process Server on 11/22/2013 at 14:10

JURISDICTION SERVED : California

APPEARANCE OR ANSWER DUE: 12/12/2013 at 10:00 a.m. (Document(s) may contain additional answer dates)

ATTORNEY(S) / SENDER(S): Jill S. Cassekman
Robins, Kaplan, Miller & Ciresi L.L.P.
2049 Century Park East
Suite 3400
Los Angeles, CA 90067
310-552-0130

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day , 797235135260
Image SOP
Email Notification, Perry A. Pappous perry.pappous@meus.mea.com
Email Notification, Joan Albritton JOAN.ALBRIITTON@MEUS.MEA.COM
Email Notification, Nancy Oleson nancy.oleson@meus.mea.com

SIGNED: C T Corporation System
PER: Nancy Flores
ADDRESS: 818 West Seventh Street
Los Angeles, CA 90017
TELEPHONE: 213-337-4615

ROBINS, KAPLAN, MILLER & CIRESI LLP

SUITE 3400
2049 CENTURY PARK EAST
LOS ANGELES, CA 90067-3208
TEL: 310-552-0130 FAX: 310-229-5800
www.rkmc.com

ATTORNEYS AT LAW

JILL S. CASSELMAN
310-229-5435

November 22, 2013

VIA PERSONAL SERVICE

Mitsubishi Electric US, Inc.
c/o Agent for Service of Process C T Corporation System
818 W. Seventh Street
Los Angeles CA 90017

Re: *In Re: Cathode Ray Tube (CRT) Antitrust Litigation; Master File No. 3:07-md-05944-SC / MDI No. 1917*
Our File No.: 011082.3574

Dear Counsel:

I represent Best Buy in the above referenced litigation. I write to request that Mitsubishi Electric US, Inc. produce certain cost and sales data for its CRT finished products.

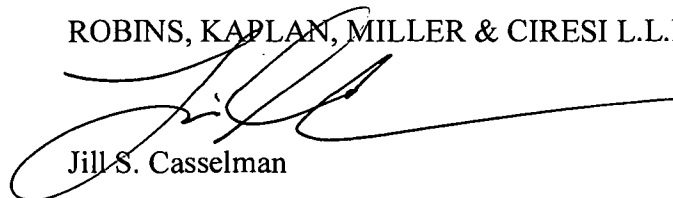
Enclosed is a subpoena for the production of documents, issued pursuant to Federal Rule of Civil Procedure 45. Please review Exhibit "A" to the subpoena which describes the requests for production. Any responsive documents shall be due on December 12, 2013, and may be mailed to:

Robins, Kaplan, Miller & Ciresi L.L.P.
c/o Jill Casselman
2049 Century Park East, Suite 3400
Los Angeles, CA 90067

Please call me at your earliest convenience so that we can discuss your response to the subpoena so that we may proceed in the most efficient and least disruptive manner.

Best regards,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.



Jill S. Casselman

JSC/jc
Enclosures

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern

District of California

In Re: Cathode Ray Tube (CRT) Antitrust Litigation

Best Buy Co., Inc., et al.

Plaintiff

v.

Hitachi, Ltd., et al.

Defendant

MDL No. 1917

Civil Action No. 3:07-CV-05944-SC

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Mitsubishi Electric US, Inc.
c/o CT Corporation System
818 W. Seventh Street, Los Angeles, CA 90017

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See Exhibit A

Place: Robins, Kaplan, Miller & Ciresi L.L.P.	Date and Time:
2049 Century Park East, Suite 3400, Los Angeles, CA 90067	December 12, 2013 at 10:00 a.m.

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

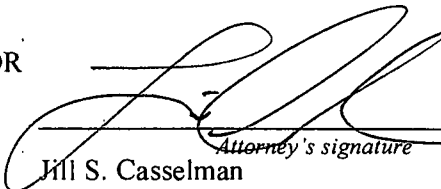
The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: November 22, 2013

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Jill S. Casselman
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Best Buy Co., Inc.; Best Buy Purchasing LLC; Best Buy Enterprise Services, Inc.; Best Buy Stores, L.P.; BestBuy.com, L.L.C.; and Magnolia Hi-Fi, Inc., who issues or requests this subpoena, are:

Jill S. Casselman, Robins, Kaplan, Miller & Ciresi L.L.P., 2049 Century Park East, Suite 3400, Los Angeles, CA 90067
Telephone: (310) 552-0130

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

EXHIBIT A

In Re: Cathode Ray Tube (CRT) Antitrust Litigation

Case No. 11-cv-06275

Master File No. 3:07-md-05944-SC / MDL No. 1917

EXHIBIT "A" TO SUBPOENA DIRECTED TO MITSUBISHI ELECTRIC US, INC.

I. DEFINITIONS

The words and phrases used in these requests shall have the meanings ascribed to them under the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Northern District of California. In addition, the following terms shall have the meanings set forth below whenever used in any Request for Production of Documents.

1. The words "all," "any," and "each" mean "each and every."
2. The words "and" and "or" are both conjunctive and disjunctive as necessary.
3. "Communications" means, without limitation, the transmittal of information (in the form of facts, ideas, inquiries or otherwise) between individuals or companies whether oral, written, electronic, or otherwise, and whether direct or through an intermediary.
4. "Concerning" or "concerns" means discussing, relating to, contradicting, referring to, reflecting, analyzing, describing, constituting, evidencing, containing or disclosing or supporting the referenced matter.
5. "Document" and "documents" shall have the meaning ascribed to them under the Federal Rules of Civil Procedure and shall also mean all electronically stored information ("ESI") including, without limitation, electronic data or data compilations, electronic files, email and other electronic communications saved to or located on hard disks, file servers, floppy disks,

CDs, DVDs, backup tapes, thumb drives, or any other electronic media, whether or not in tangible or electronic form.

6. The term “CRT” means cathode ray tube and includes cathode ray tubes used in color televisions and color computer monitors.

7. The term “CRT Product” means a television or computer monitor containing a CRT.

8. “Identify,” when used with reference to an entity, means to state the full name, present or last known address, and present or last known telephone number of such entity.

9. “Identify,” when used with reference to documents, other than those under claim of privilege, means to identify the documents by each author, sender, addressee, date, subject, recipient, place of recording, and custodian.

10. “Identify” or “identification,” when used in reference to an individual person, means to state his or her full name, present or last known address, present or last known telephone number, and present or last known position and business affiliation.

11. “Identify,” “describe,” “explain,” or “state,” when used in reference to any fact, act occurrence, transaction, statement, communication, document, or other matter, means to describe and identify the facts constituting such matter.

12. “Including” or “includes” means without limitation.

13. “Reflect(ing) or refer(ring) to” means a statement or communication about, relating to, concerning, describing, containing, identifying, or in any way pertaining to the subject matter in the request.

14. The term “person” or “persons” includes any natural person, public entity, partnership, corporation, association, firm, trust, joint venture, agency, board, authority, commission or other such entity.

15. “Supplier” means any supplier, manufacturer, or seller of CRT or CRT Products.

16. “You” or “Your” means Mitsubishi Electric US, Inc., as well as: its current and former parents(s), including but not limited to Mitsubishi Electric Corporation; its current and former subsidiaries; its affiliates and their subsidiaries; and any employees, agents, representatives or any persons acting or purporting to act on Your behalf, including each of Your attorneys.

II. INSTRUCTIONS

1. In responding to this subpoena, You are requested to produce all documents in Your possession, custody, or control, wherever located, including without limitation any document available to You upon request from Your parents, affiliates, subsidiaries, employees, officers, directors, attorneys, accountants, financial advisors, consultants, private investigators, or other agents or persons acting or purporting to act on Your behalf, as required by the Federal Rules of Civil Procedure and the applicable local rules.

2. If any part of a document is responsive to any request herein, produce the entire document, including any attachments or exhibits.

3. All documents should be produced as maintained in the ordinary course of business.

4. Any noun used in the singular form shall be construed and applied so as to include the plural, form also, and vice versa.

5. If You are not producing any documents in response to any of the Requests herein, Your response should make it clear that You are not producing any documents in response to that Request.

6. If only a part of a Request is objectionable, the response shall identify with particularity any document or other tangible thing falling within any category of item in the request to which an objection is being made, and shall set forth clearly the extent of and the specific ground for the objection.

7. Each Document Request shall be construed independently, and no Document Request shall be viewed as limiting the scope of any other Document Request.

9. Unless a different time is specified, the relevant time period for each document request is January 1, 1995 through December 31, 2009.

III. REQUESTS FOR PRODUCTION

Finished Goods Sales Data

1. Please produce transaction-level data maintained in the ordinary course of business, in a standard machine-readable format, for all sales of CRT Products sold by You from January 1995 through December 2009 that were either shipped to a U.S. location or billed to a customer in the U.S. Please include fields that identify:

- a. the date when You shipped the CRT Product;
- b. the quantity of CRT Products associated with each transaction, along with the units of measure for each quantity field in the data;
- c. the date when You billed each customer for the CRT Product;
- d. the location from which You shipped the CRT Product in each transaction;

e. the name of each customer to whom You shipped the CRT product in each transaction;

f. the name of each customer whom You billed for each CRT Product in each transaction;

g. the location to which You shipped the CRT Products in each transaction;

h. the location of the customer whom You billed for the CRT Products in each transaction;

i. the product code/model number for the CRT Product and the description of the CRT Product

j. the gross and net Price of each CRT Product You sold in each transaction;

k. any discounts, rebates, credits, freight allowances, free goods and/or any other price adjustments You made in connection with each transaction;

l. the gross and net total amount paid by the customer for the CRT Products You sold in each transaction;

m. any taxes, customs, tariffs, duties or other fees paid on the CRT Products in each transaction;

n. the invoice number, purchase order number, and/or any other data sufficient to identify a unique transaction.

2. Please produce documents or databases sufficient to identify all physical characteristics You use to identify each unique CRT Product contained in the data produced in response to Request No. 1.

3. For each unique CRT Product identified in the data produced in response to Request No. 1, documents and or data sufficient to identify the supplier of the CRT for that

unique CRT Product, the part number of the CRT contained in that CRT Product, and all information You maintain regarding the specifications and characteristics of the CRT contained in each unique CRT Product.

4. Please produce documents or data sufficient to explain all codes or abbreviations contained in the data produced in response to Request No. 1. Please also produce documents or data sufficient to identify the definition of each field contained in any data produced in response to Request No. 1.

Finished Goods Cost Data

5. Please produce transaction-level data maintained in the ordinary course of business, in a standard, machine-readable format, sufficient to show for all sales of CRT Products sold by You from January 1995 through December 2009 that were either shipped to a U.S. location or billed to a customer in the U.S., the costs You incurred in connection with the manufacture and sale of those CRT Products, including cost of goods sold (“COGS”). If this level of data is unavailable, then please provide COGS data at the most disaggregated level available.

a. COGS data should be produced with information sufficient to identify the corresponding sales data (see Request No. 1) for each particular transaction.

6. Please produce documents or data sufficient to explain all codes or abbreviations contained in the data produced in response to Request No. 5. Please also produce documents or data sufficient to identify the definition of each field contained in any data produced in response to Request No. 5.

CRT Purchase Data

7. For each unique CRT Product identified in the data produced in response to Request No. 1, please produce transactional-level data maintained in the ordinary course of business, in a standard machine-readable format, reflecting Your purchases of CRTs in connection with the manufacture and sale of those CRT Products, from January 1995 through December 2009, including, but not limited to documents or data evidencing:

- a. the date when You received the CRT;
- b. the quantity of CRTs associated with each transaction, and the units of measure for each quantity field in the data;
- c. the location from where You took delivery of the CRTs;
- d. the manufacturer of the CRTs;
- e. the specific entity that shipped the CRTs to You;
- f. data or information used to identify the specifications of each CRT, including but not limited to part numbers, serial numbers or any other unique identifier, complete product descriptions, and size;
- g. the gross and net Price of each CRT You purchased in each transaction;
- h. any discounts, rebates, credits, freight allowances, free goods and/or any other Price adjustments You made in connection with each transaction involving an CRT;
- i. the gross and net total amount paid for the CRT You or Your Affiliates purchased in connection with each such transaction;
- j. any taxes, customs, tariffs, duties or other fees paid on each CRT You or Your Affiliates purchased;
- k. the invoice number, purchase order number, and/or any other data sufficient to identify a unique transaction.

8. Please produce documents or data sufficient to explain all codes or abbreviations contained in the data produced in response to Request No. 7. Please also produce documents or data sufficient to identify the definition of each field contained in any data produced in response to Request No. 7.

CRT Sales Data

9. Please produce transaction-level data maintained in the ordinary course of business, in a standard machine-readable format, for all sales of CRTs sold by You from January 1995 through December 2009 that were either shipped to a U.S. location or billed to a customer in the U.S. Please include fields that identify:

- a. the date when You shipped the CRT;
- b. the quantity of CRTs associated with each transaction, along with the units of measure for each quantity field in the data;
- c. the date when You billed each customer for the CRT;
- d. the location from which You shipped the CRT in each transaction;
- e. the name of each customer to whom You shipped the CRT in each transaction;
- f. the name of each customer whom You billed for each CRTs in each transaction;
- g. the location to which You shipped the CRTs in each transaction;
- h. the location of the customer whom You billed for the CRTs in each transaction;
- i. the product code/model number for the CRTs and the description of the CRTs

- j. the gross and net Price of each CRT You sold in each transaction;
- k. any discounts, rebates, credits, freight allowances, free goods and/or any other price adjustments You made in connection with each transaction;
- l. the gross and net total amount paid by the customer for the CRTs You sold in each transaction;
- m. any taxes, customs, tariffs, duties or other fees paid on the CRTs in each transaction;
- n. the invoice number, purchase order number, and/or any other data sufficient to identify a unique transaction.

10. Please produce documents or databases sufficient to identify all physical characteristics You use to identify each unique CRT contained in the data produced in response to Request No. 9.

11. Please produce documents or data sufficient to explain all codes or abbreviations contained in the data produced in response to Request No. 9. Please also produce documents or data sufficient to identify the definition of each field contained in any data produced in response to Request No. 9.

CRT Cost Data

12. Please produce transaction-level data maintained in the ordinary course of business, in a standard, machine-readable format, sufficient to show for all sales of CRTs sold by You from January 1995 through December 2009 that were either shipped to a U.S. location or billed to a customer in the U.S., the costs You incurred in connection with the manufacture and sale of those CRTs, including COGS. If this level of data is unavailable, then please provide COGS data at the most disaggregated level available.

a. COGS data should be produced with information sufficient to identify the corresponding sales data (see Request No. 9) for each particular transaction.

13. Please produce documents or data sufficient to explain all codes or abbreviations contained in the data produced in response to Request No. 12. Please also produce documents or data sufficient to identify the definition of each field contained in any data produced in response to Request No. 12.

Exhibit E

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

No. 14-CV-2058 (SC)
MDL No. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

VIDEOTAPED DEPOSITION of MAX WASINGER
Los Angeles, California
Thursday, July 16, 2015

Reported by
Daryl Baucum, RPR, CRR, RMR, CSR No. 10356

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

No. 14-CV-2058 (SC)
MDL No. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

VIDEOTAPED DEPOSITION of MAX WASINGER, at
633 West Fifth Street, Suite 3600, Los Angeles,
California, beginning at 9:03 a.m. and ending
at 2:02 p.m., on Thursday, July 16, 2015,
before Daryl Baucum, RPR, CRR, RMR,
CSR No. 10356.

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1 or what their positions were. 13:25:30

2 Q So it would be the same answer that you 13:25:31

3 gave to Hitachi? It was probably somebody that you 13:25:33

4 may run into at the trade association or the group 13:25:36

5 buying groups but you don't specifically recall it? 13:25:38

6 A It's very possible to say, yeah, same 13:25:40

7 situation. 13:25:43

8 Q Now, I'm going to ask you when I refer to 13:25:45

9 "Irico," have you heard of a company called "Irico"? 13:25:47

10 A No. 13:25:52

11 Q That if I -- when I refer to "Irico," I am 13:25:54

12 referring collectively to the Irico Group 13:25:58

13 Electronics, Irico displays. 13:26:01

14 Do you ever recall during the '95 to 2000 13:26:04

15 period when you were at MELEA having any 13:26:07

16 conversations with anybody from Irico? 13:26:09

17 A No. 13:26:11

18 Q Do you recall ever running into anybody at 13:26:12

19 Irico during that time period at any trade 13:26:14

20 associations? 13:26:17

21 A No, I never heard of the company. 13:26:18

22 Q Did you ever hear of anybody on your staff 13:26:21

23 running into anybody from Irico? 13:26:23

24 A No. 13:26:25

25 Q Have you heard of LG? 13:26:28

DOCUMENT 16

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September 13, 2023

VIA E-MAIL [VRW@JUDGEWALKER.COM]

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Re: In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Master File
No. 07-CV-944-JST

Dear Judge Walker:

Defendants Irico Group Corp. and Irico Display Devices Co., Ltd. (collectively, “Irico”) respectfully request an extension of time to produce responsive information and materials in response to Your Honor’s Interim Reports and Recommendations on Plaintiffs’ Motion for Discovery Sanctions dated August 4, 2023 (ECF No. 6233) (“First Interim Order”) and September 1, 2023 (ECF No. 6275) (“Second Interim Order”) (collectively, “Orders”). Baker Botts and Irico are continuing to work diligently to comply with Your Honor’s Orders. As discussed in greater detail below, searching for and collecting all of the requested information (especially in China) under the required conditions is a complex process. While we are, and were already, working diligently on complying with Your Honor’s First Interim Order when we received Your Honor’s Second Interim Order, we were required to restart some of these processes given the process requirements of the Second Interim Order that explicitly require certain actions by certain parties. Given these various complexities, we request a three-week extension from September 22nd to October 13th to comply with the Orders.¹

First, to clarify any misconceptions Your Honor may have had regarding my role and the role of Baker Botts in responding to Your Honor’s First Interim Order, we were involved in organizing the process of responding to the Order. Baker Botts however does not have offices or any affiliated entities in China, nor do we have permanent attorneys involved in this matter who are fluent in Chinese. Our former colleague, Ms. Kaylee Yang, who is a native Chinese speaker and a key client conduit, left Baker Botts last year to join Norton Rose Fulbright. As Your Honor is aware, Ms. Yang has been involved in this matter since the inception of Baker Botts’ work for Irico. Norton Rose Fulbright also has other lawyers who are fluent in Chinese, including Partner Geraldine Young, who has made a formal appearance in this case. Ms. Young is an experienced litigator and a former partner of Fulbright & Jaworski prior to that firm’s merger with Norton Rose

¹ We contacted Plaintiffs to request this three-week extension, but Plaintiffs oppose the request.

BAKER BOTTS LLP

The Honorable Vaughn R. Walker

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Fulbright. Norton Rose Fulbright also has a relationship with a law firm in China experienced in working with Chinese companies subject to US discovery obligations who could assist in this matter. Thus, it was at my request – even prior to Your Honor’s First Interim Order but after the last hearing on the expectation that further discovery would be required – that Norton Rose became directly involved on this issue because I believed compliance could best be achieved with their direct help. In any event, our focus now is (and always has been) on responding to Your Honor’s Orders as accurately and completely as possible.

Despite best efforts to move this process forward as quickly and efficiently as possible, we have encountered several issues that necessitate additional time for compliance. First and foremost is the fact that this collection is occurring in China and at a state-owned entity. We understand that Your Honor wants US counsel of record and a US vendor experienced in discovery of ESI to supervise this entire process and we are complying with that obligation, but we still must work within the confines of Chinese laws and regulations, lest we or our client breach Chinese laws. For example, as detailed previously, the collection of devices and materials from Irico is subject to a state secret review which can be very time-consuming and burdensome both during and after the collection of materials (ultimately necessitating a separate review of all potentially responsive material). We then need time after the state secret review to ascertain responsiveness and process the documents for production. Moreover, the current searches and interviews in China are being undertaken in two different locations over 1,000 miles apart – Xianyang (Irico’s headquarters) and Foshan (the location where Mr. Su was working before his departure).

The more explicit requirements in Your Honor’s Second Interim Order also require further time to complete, including some level of retreading work already undertaken. For example, pursuant to Your Honor’s Second Interim Order, Plaintiffs provided a list of search terms on September 7th that they expect Irico to apply broadly in its investigation. That list contained approximately 80 terms without any qualifiers or limitations, including Mr. Su’s name in different formats standing alone as well as extremely general terms (e.g., “delay,” “allowance” and “cooperate”). Depending on the volume of documents that merely mention Mr. Su or were sent or received by him without any other connection to the relevant issues, the results of these searches could greatly increase the number of documents that must go through the state secret review and delay the accessibility of the materials for further review. We understand that the Second Interim Order requires the immediate collection of all documents with hits on Plaintiffs’ search terms with objections to be resolved at a later point and certainly intend to follow that process. But in order to expedite the collection, review and production of responsive materials, we hope to meet and confer with the Plaintiffs in the coming days to discuss potential ways of effectively narrowing the searches and thus the resulting state secret review on search term hits.

Again, Baker Botts and Irico are doing everything we can to comply with the Court’s Orders in a timely manner. However, given the scope of the requirements, we do not believe it is possible to produce all responsive documents (without violating Chinese law) by next Friday. We therefore ask Your Honor to allow three additional weeks for compliance with the Orders.

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The Honorable Vaughn R. Walker

- 3 -

Thank you for your consideration of these issues.

Sincerely,
/s/ John Taladay
John Taladay

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September 14, 2023

VIA EMAIL

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Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation* – MDL No. 1917,
Master File No. 07-CV-5944-JST

Dear Judge Walker:

Direct Purchaser Plaintiffs (“DPPs”) and Indirect Purchaser Plaintiffs (“IPPs”) (together, “Plaintiffs”) respond to the request for an extension of time to produce responsive information and materials required by Your Honor’s Orders (ECF Nos. 6264, 6275), made in the letter from Irico’s U.S. counsel, John Taladay, dated September 13, 2023.

Mr. Taladay’s letter fails to establish good cause for the extension Baker Botts and Irico seek. First, it provides virtually no details of Baker Botts’ and Irico’s efforts to date, including whether 1) Baker Botts (or Norton Rose Fulbright) has dispatched any attorneys to China to assist in fulfillment of the Court’s Orders as instructed by the Court, 2) whether they have collected or reviewed any of Mr. Su’s documents and what the volume of documents is, or 3) whether they have run Plaintiffs’ proposed search terms and, if so, the volume of documents they returned. The letter complains that Plaintiffs’ search terms are overbroad, but it appears that they have not even tested them despite having had them for a week. *See* Taladay Letter at 2 (speculating that “the results of these searches *could* greatly increase the number of documents that must go through the state secret review”) (emphasis added). The letter also fails to state whether *any* productions will be made by the September 22 deadline set by the Court’s August 4 Order (ECF No. 6264), which provided Irico seven weeks to produce responsive documents.

Second, Mr. Taladay’s letter likewise fails to provide any support for, or details regarding, the state secret review. Nor does it explain how records relating to Mr. Su’s

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deposition and early departure even implicate state secrets.¹ Irico gave no indication that a state secrets review was a substantial impediment to its previous production of records relating to these issues.²

Third, the assertion that an extension is required to accommodate a meet and confer with regard to Plaintiffs' search terms is inconsistent with the Court's Order of September 1 (ECF No. 6275), and appears to be calculated to delay compliance with the Court's Orders. While Plaintiffs provided their search terms a week ago in compliance with the Court's Order, Baker Botts and Irico have yet to inform Plaintiffs of any issues they have with them, or propose a date to meet and confer.³ Their lack of clarity in this regard is telling. To the extent Irico communicates any legitimate concerns about any of these terms, Plaintiffs will address them immediately, but any such issue should not be an excuse to delay the document search required by the Court's September 1 Order.

Finally, the late disclosure that Irico's long-time attorneys do not have lawyers in China or speak Chinese suggests that Baker Botts does not intend to comply with the Court's Order which requires an attestation by a fully informed American lawyer that Irico has complied with its discovery obligations. As the Court's last order made clear, lawyers must travel to China to comply with the order if necessary. Similarly, if language is an issue, the obvious solution is for them to be accompanied by a translator, but Baker Botts cannot avoid its obligation to confirm that full discovery has been made, where, as here, the Court has raised concerns about the client's trustworthiness.

In sum, Plaintiffs respectfully submit that vague and self-serving assertions about supposed problems dealing with a client in China do not establish good cause to extend the schedule set by Your Honor. Your Honor's recommended rulings on Plaintiffs' Motion for Sanctions will almost certainly be appealed to the Court. Plaintiffs are anxious to get a resolution, particularly in light of the impact a ruling may have on Irico's pending summary judgment motion against IPPs, and the IPP trial, which is currently set to begin on February 26, 2024. ECF No. 6236.

¹ To the extent state secret review results in withholding responsive documents, will that be reflected in a privilege log? And has that been the case with previous privilege logs?

² Indeed, on December 20, 2022, Irico produced documents responsive to the Court's Order Adopting Special Master's Report & Recommendation on Irico's Failure to Produce Su Xiaohua for Deposition (ECF No. 6115)—and completed a privilege review—32 days after the issuance of Your Honor's Report & Recommendation, and 14 days after its adoption.

³ In their transmission of search terms on September 7, 2023, Plaintiffs requested that Baker Botts provide a list of all additional search terms it intends to use. Plaintiffs have not received a response.

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9/14/2023

Page 3

Very truly yours,

s/ R. Alexander Saveri

R. Alexander Saveri
Lead Counsel for Direct Purchaser Plaintiffs

s/ Lauren C. Capurro

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